

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11777 of 2017

Arising Out of PS.Case No. -160 Year- 2016 Thana -MALSALAMI District- PATNA

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Nirmal Kumar Sinha @ Bittu, S/o Bishwanath Prasad Sinha, Resident of
Vindyawasani Nagar, Behind Sonali Petrol Pump, Kumhrar, P.S.- Agam
Kuan, District- Patna.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar Singh

For the Opposite Party/s : Mr. A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 15-03-2017 Heard Sri Pramod Kumar Singh, learned counsel
for the petitioner and learned Addl. Public Prosecutor.

This is the second attempt for grant of bail on
behalf of the sole petitioner, who is in custody in Malsalami P.S.
Case No.160/16 corresponding to Sessions Trial No. 835/16
registered for the offence under Section 10(A), 10(B), 11, 12, 13,
20 of the Unlawful Activities (Prevention) Act, 1967, Section 17
of the Criminal Law Amendment Act and Sections 25(1-B) and
26/35 of the Arms Act. Earlier, the prayer for bail of the petitioner
was rejected on 19.08.2016 vide Cr.Misc.No.32285 of 2016.

Sri Singh, learned counsel for the petitioner submits
that earlier the prayer for bail of the petitioner was rejected by this
Court, during which the investigation was already going on.



However, after investigation, chargesheet was submitted and the petitioner was forwarded as one of the accused, but after submission of the chargesheet, the petitioner approached the court below for grant of bail primarily on the ground that during investigation no material was collected showing direct involvement of the petitioner. However, the prayer for bail of the petitioner was rejected by the learned 7th Addl. Sessions Judge, Patna City in Sessions Trial No.835 of 2016. Sri Singh, learned counsel for the petitioner has drawn my attention to last paragraph of the order passed by the learned Addl. Sessions Judge, which is quoted herein below:

“Heard both sides and perused the record as well as case diary and documents shown by the parties. It is a fact that there is no material on record to show that the petitioner is a member of banned organization P.L.F.I.(CPIM) and the steps taken by the police in this regard is certainly doubtful but it is a matter to be taken in the trial. But it is true that the accused is arrested in this case and some arms and ammunition have been recovered on the basis of his confessional statement from co-accused and also that the petition for bail has already been rejected by the Hon’ble High Court on merit. Hence, the prayer for bail is hereby rejected.”

Of course, learned Addl. Public Prosecutor opposed



the prayer for bail on the ground that earlier the prayer for bail of the petitioner was rejected and also on the ground that the petitioner was earlier accused. The Court is of the opinion that once after submission of the chargesheet, learned trial court was already satisfied that there was doubt regarding involvement of the petitioner, there is no reason to further detain the petitioner. Accordingly, let the petitioner, namely, Nirmal Kumar Sinha @ Bittu be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VII, Patna City, Patna in connection with S.Tr.No.835/16 arising out of Malsalami P.S. Case No.160/16.

(Rakesh Kumar, J)

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