

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26359 of 2017

Arising Out of PS.Case No. -118 Year- 2016 Thana -BIHTA District- PATNA

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1. Deepak Pandey Son of Sri Bindhyachal Pandey, Resident of Village-
Sabalpur, P.O.- Suha, P.S.- Barhara, District- Bhojpur (Ara).

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar

For the Opposite Party/s : Mr. Sri Ganesh Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN
PRASAD
ORAL ORDER

2 05-06-2017 Heard Sri Rajesh Kumar, learned counsel

appearing on behalf of petitioner and Sri Ganesh Pd. Singh,

learned counsel appearing on behalf of State.

Let Defect no. 14(2) regarding filing of typed
copy of Annexure-2 series be ignored at the risk of the petitioner.

With the consent of learned APP, learned counsel
for the petitioner prays for hearing the matter. Accordingly, this
matter is taken up for hearing at this stage.

Petitioner is seeking regular bail in connection with
Bihta PS case no. 118 of 2016 corresponding to Sessions Trial no.
819/2016 for offences punishable under Sections 449, 461 of
Indian Penal Code read with Section 3/7 of Indian Official Secret
Act, 1923.



The prosecution has alleged that on 13.02.2016, he was found in suspicious stage at 776 signal unit in the Bihta Air Force area. The informant enquired about his whereabouts but no satisfactory reply could be given by the petitioner.

Learned counsel for the petitioner submits that the petitioner was not in a healthy state of mind and due to that, he might have entered into the Air Force area. He further submits that no material has been recovered from his possession to suggest a prima facie implication in passing of any sensitive information to an outsider relating to Air Force. The petitioner was arrested on 13.02.2016 and since then, he is languishing in jail. The charge sheet has been filed, commitment has taken place but the trial has not begun as not a single witness has been examined so far. As such, petitioner may be enlarged on bail.

Learned APP opposed the prayer for bail but he could not place any material to show anything otherwise than a prima facie case of trespass.

Considering the facts that no material containing secret information was recovered from the petitioner and that the petitioner is languishing in jail for one year and four months approximately, let petitioner Deepak Pandey be released on bail on furnishing bail bond of Rs. 10,000/- with two sureties of the like



amount each to the satisfaction of Addl. Sessions Judge-II, Danapur (Patna) in connection with Bihta PS case no. 118 of 2016 subject to the conditions that one of the bailors shall be a family member of the petitioner and the petitioner shall not go outside the jurisdiction of Trial Court without prior permission. The Trial Court is directed to expedite the trial

Accordingly, this application is disposed of.

(Rajeev Ranjan Prasad, J.)

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