

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28195 of 2017

Arising Out of PS.Case No. -146 Year- 2015 Thana -RAMKRISHNANAGAR District- PATNA

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1. Awadhesh Kumar Jaiswal @ Abodh @ Chuhwa @ Awadhesh Prasad Jaiswal Son of late Nageshwar Prasad Jaiswal, Resident of Chiksaura Bazar, P.S.- Chiksaura, District- Nalanda, At present Residing at Khemni Chak Road No.- 2, Back of Ford Hospital, P.S.- Ramkrishana Nagar, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jay Ram Prasad

For the Opposite Party/s : Smt Pushpa Sinha

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 07-08-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in connection with Sessions Trial
No. 71/16, arising out of Ram Krishna Nagar P.S. Case No.
146/2015 for offences punishable under Section 120-B of the
Indian Penal Code, 3/4 of the Explosive Substance Act and Sections
13, 16, 18, 19, 20 of the Unlawful Activities Prevention Act.

The prosecution case, as lodged by the police
personnel, is that they received secret information that huge
quantity of explosive substance is being kept in the lodge of Ram
Pravesh Rai and during course of checking huge quantity of



explosive substance was found and eight persons including the petitioner are named in the First Information Report to be a member of the naxal group.

It has been submitted by the learned counsel for the petitioner that he is innocent, is languishing in jail custody since 02.06.2015 in connection with Ram Krishna Nagar P.S. Case No. 104/2015 and has been remanded in the present case since 13.08.2015. He submits that nothing has been recovered from his conscious possession and has been falsely implicated only on the ground of suspicion. He further submits that the charge sheet has already been submitted and that there is no allegation of tampering with the prosecution witnesses and considering the period of custody, a sympathetic consideration be given.

However, learned APP for the State opposes the prayer for bail stating therein that petitioner does not have a clean antecedent and as many as eight cases are pending against him, some relating to similar offence.

Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.25,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned



Addl. Sessions Judge 6th, Patna, in connection with Sessions Trial No. 71/16, arising out of Ram Krishna Nagar P.S. Case No. 146/2015, subject to the condition that both the bailors would be a close relative of the petitioner having sufficient immovable property within the jurisdiction of the concerned police station, who will file an affidavit stating their relationship with the petitioner and that petitioner will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds. It is also made clear that if the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the learned court below for cancellation of his bail bonds.

(Nilu Agrawal, J)

Rajesh/-

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