

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38960 of 2018

Arising Out of PS. Case No.-71 Year-2015 Thana- NIMACHANDPURA District- Begusarai

1. Lalan Sada, S/o Nanhey Sada,
2. Anil Sada, S/o Nanhey Sada,
3. Chhathu Sada @ chhatu Sada S/o Sitaram Sada, All are R/o Vill.-
Kushmahaut, P.S.- Neema Chandpura, District- Begusarai
... Petitioners

Versus

The State of Bihar

... Opposite Party

Appearance :

For the Petitioners : Mr. Ram Sumiran Rai, Adv.

For the Opposite Party : Mr. Sanjay Kumar Sharma, APP 236

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 05-09-2018 Heard the learned counsel for the petitioners and the
learned counsel appearing for the State.

The petitioners seek bail who are languishing in judicial custody since 19.12.2017, 18.02.2018 and 22.02.2018 respectively in connection with Neema Chandpura P.S. Case No. 71 of 2015 for offences alleged under Sections 147, 148, 149, 307, 302, 323, 353, 333, 224 and 225 of the Indian Penal Code, 27 of the Arms Act and 18 and 20 of the UPA Act.

The prosecution case, as lodged by the informant, police personnel, is that during investigation of Neema Chandpura P.S. Case No. 40 of 2014 they got a confidential information that a veteran criminal, Baonu Sada, is present at his residence. The police reached at the residence of Banu Sada and found his brother, Chhathu Sada, petitioner no. 3, also



present. While the police arrested the veteran criminal, Baonu Sada, eleven persons named in the first information report, 7-8 unknown persons and 100-125 persons started brick batting and throwing bricks on the police personnel on which one Constable died on the spot and the informant was also seriously injured. The miscreants managed to take away the veteran criminal, Baonu Sada.

It has been submitted by the learned counsel for the petitioners that they are innocent and petitioners 1 and 2 bear no criminal antecedent and petitioner no. 3 is involved in two more cases earlier. He, further submits that there was a general mob attack and it is not ascertainable as to on whose injury the Constable succumbed and the informant was injured as the informant has also not levelled specific allegation. He submits that some of the co-accused have been granted privilege of bail by coordinate Benches of this Court in Cr. Misc. No. 23503 of 2016, dated 02.06.2016, Cr. Misc. No. 22606 of 2016, dated 26.05.2016 and Cr. Misc. No. 20263 of 2016, dated 30.05.2016 as well as Cr. Misc. No. 28846 of 2016, dated 31.08.2016 and other analogous cases.

However, the learned Additional Public Prosecutor for the State opposes the prayer for bail.



However, considering the facts and circumstances and the materials on record as well as the period of custody, let the petitioners, above named be released on bail on furnishing bail bonds of Rs.10,000/- (rupees ten thousand) each with two sureties of the like amount each in connection with Neema Chandpura P.S. Case No. 71 of 2015 to the satisfaction of the Judicial Magistrate, 1st Class, Begusarai, subject to the condition that one of the bailors of each of the petitioners would be a close relative of the petitioners having sufficient immovable property, who will file an affidavit stating his relationship with the petitioners.

(Nilu Agrawal, J)

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