

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13383 of 2019

Arising Out of PS. Case No.-151 Year-2014 Thana- CHAKIA District- East Champaran

JAMADAR SAHANI @ JAMDAR SAHANI, Son of Baldev Sahani
Resident of village-Amwariya Tola, P.S.-Patahi, District-East Champaran.
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jitendra Narain Sinha
For the Opposite Party/s : Mr.Binod Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 05-07-2019 Heard learned counsel for the parties.

The petitioner apprehends his arrest in connection with Chakia P.S.Case No. 151 of 2014 registered under Sections 121,121(a), 120B, 307 and 427 of the Indian Penal Code, 16 and 17 of the Unlawful Activities Prevention Act, 3 and 4 of Explosive Substance Act, 3 and 4 of Prevention of Damage of Public Property Act, 17 of the Criminal Law Amendment Act and 150, 151 and 152 of the Railway Act, 1989.

Allegation against the petitioner, as per FIR, is that informant, who was SHO of Chakia P.S., informed by the R.P.F. Police Inspector that a goods train has been derailed near Harpur Halt between Chakia and Mehshi Railway Station, upon which informant along with police party went there and came to know that CPI (Maoist) has given a call of *bund* and they kept explosive and on account of that goods train was derailed. The petitioner



along with 51 accused persons are named in the FIR with allegation that under the leadership of zonal head of CPI Maoist of North Bihar and West Bengal, petitioner along with others have committed this incident.

Learned counsel for the petitioner submits that petitioner along with 50-57 accused persons have been named in FIR with parentage but the police did not search the petitioner at any point of time and FIR was lodged in 2014 and the petitioner was not having any knowledge about lodging of FIR of this nature against him. The police was exactly knowing the parentage as well as the address of the petitioner but at no point of time, police made a search about whereabouts of the petitioner and no step under Sections 82 and 83 Cr.P.C. has ever been taken against him in this regard. He further submits that when police started disturbing the petitioner in the year 2018, he initiated legal steps for obtaining bail and accordingly he filed bail application before the learned Sessions Judge which was rejected and subsequently, this bail application has been filed before this Court. Learned counsel also submits that petitioner has got no criminal antecedent and has got no connection with the extremists.

Learned counsel for the State submits that petitioner is named in the FIR, however, he accepts that no step was taken by the police at any point of time to ensure appearance or arrest of



the petitioner in judicial custody.

After having heard learned counsel for the parties and taking into consideration the fact that there is no material in the case diary to connect the petitioner with the alleged offence and he has got no criminal antecedent from before, accordingly, I am inclined to grant anticipatory bail to the petitioners. Let the petitioner, abovenamed, in the event of arrest or surrender before the court below within a period of four weeks from the date of receipt of a copy of this order, be released on bail upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the learned ACJM-13, Motihari, East Champaran or his successor in office in connection with Chakia P.S.Case No. 151 of 2014; subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

However, release of petitioner shall be subject to verification of his criminal antecedent, if, in case, it is found subsequently that petitioner has got criminal antecedent, his bail bond shall stand rejected without further reference to the Bench.

(Anil Kumar Sinha, J)

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