

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.11545 of 2020**

Arising Out of PS. Case No.-157 Year-2017 Thana- CHANDAN District- Banka

BHALKU KHAIRA Son of Ram Khaira @ Ramu Khaira Resident of Village-
Hardiya P.S. Chandan, District Banka..... Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ranjan Kumar Jha, Advocate
Mr. Sanjeev Kumar @ Deepak Sahay, Advocate
For the Opposite Party/s : Mr.Mohammed Arif, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

3 02-06-2020 This application has been placed for consideration
by the order of the Hon'ble the Chief Justice through virtual
court proceeding.

Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner in the present case is seeking regular
bail in connection with Chandan (Anandpur) P.S. Case No. 157
of 2017 registered for the offence punishable under Sections
121, 121(A), 120(B) of the Indian Penal Code, Sections 3/4 of
Explosive Substance Act, 1908, Sections 16, 17, 18, 19, 20, 21,
22 of U.P.A. Act and Section 17 of C.L.A. Act.

Learned counsel for the petitioner submits that from
the first information report it will appear that one Naxali
Parwatia Devi was arrested by Police in a suspicious condition.
It is alleged that in course of interrogation said Parwatia Devi



disclosed the name of some of the co-accused saying that they were given the explosive materials to keep concealed. The petitioner has, thus, been named in the FIR on the basis of the statement of Parwatia Devi alleging that he is also in contact with the Naxalies.

Learned counsel submits that save and except the statement of Parwatia Devi made before Police which is the basis of implicating the petitioner, there is no material against him. No explosive substance has been recovered from possession of the petitioner and two co-accused Prem Ray and Bindeshwar Modi whose name had also transpired in the statement of co-accused Parwatia Devi have been granted regular bail by two learned co-ordinate Benches of this Court in Cr. Misc. No. 52794 of 2018 and Cr. Misc. No. 71075 of 2018, copies of the orders are enclosed as Annexure '2'. The petitioner is in custody since 25.10.2019 and investigation against him is complete.

Learned APP for the State has opposed the prayer for regular bail of the petitioner.

Considering the facts and circumstances of the case and the submission that no explosive substance has been recovered from possession of the petitioner, he has no criminal antecedent and his name has transpired in the confessional



statement of co-accused Parwatia Devi as also the similarly situated co-accused have been granted privilege of regular bail by co-ordinate Benches of this Court, let the petitioner above named be released on bail in connection with Chandan (Anandpur) P.S. Case No. 157 of 2017 on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction learned C.J.M., Banka, subject to the conditions as laid down under Section 437(3) of the Cr.P.C. as under:

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, or the commission of which he is suspected, and

(c) that such person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that he will abide by and observe the guidelines and directives of the Government of India and the State Government with regard to COVID-19



Pandemic during the lockdown period. The authorities concerned shall take appropriate steps to ensure such observance prior to and after release of the petitioner.

This application stands disposed of.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

