

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20611 of 2020

Arising Out of PS. Case No.-210 Year-2019 Thana- AMAS District- Gaya

=====

SHYAMLAL PASWAN @ SHYAM LAL RAM S/o Late Dipa Paswan
Resident of Village- Mukti, P.S.- Sikarhata, Distt- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Sudhir Kumar Sinha

For the Opposite Party/s : Mr.Ram Bilash Roy Raman

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 03-07-2020 The matter has been taken up through virtual

Court proceeding.

Since the physical court proceeding is non-

functional due to the present pandemic COVID-19, the

matter is listed with defects.

Learned counsel for the petitioner undertakes to

remove the defects within three weeks of the resumption

of the physical Court proceedings.

In case of non-removal of the defects, the

office shall place the matter before the bench.

Heard learned counsel for the petitioner and



learned counsel for the State.

The petitioner is languishing in custody since 11.11.2019 in a case registered for the offence punishable under Section 120(B) of the Indian Penal Code and Sections 10/13 of the U.A.P. Act.

The prosecution case as per the written report of S.I. Rameshwar Pandey, submitted to the S.H.O, Amas Police Station is to the effect that on 10.11.2019 at 11:30 P.M., a confidential information was received that one Raj Kumar @ Shukla Jee who is a notorious extremist along with his associates Bindeshwari Mehto, Indradeep Mehto, Nandjee Yadav and Shayam Lal Paswan-the petitioner used to recruit innocent boys in the extremist organization on some inducement. Thereafter, raid was conducted when co-accused Raj Kumar Singh @ Shukla Jee and the petitioner were apprehended. The apprehended accused persons also disclosed the name of their associates who escaped from the scene.



It is submitted by learned counsel for the petitioner that on the basis of suspicion, the petitioner has been apprehended.

A statement has been made in para 3 of the petition that petitioner is having no criminal antecedent.

The impugned order suggests that paragraph 23 of the case diary reflects that petitioner has criminal antecedent. However, no statement has been made in the petition that this is an error on record.

Learned A.P.P. submits that accusation is serious of inducing the innocent boys for getting them recruited in extremist organization and the impugned order suggests that petitioner has criminal antecedent.

Considering the fact that investigation has already been concluded and there is no recovery from the petitioner, let the petitioner, above named, be released on bail, for the present, provisionally for a period of three months on furnishing one surety to the satisfaction of learned Additional Chief Judicial



Magistrate, Sherghati, Gaya in connection with Amas
P.S. Case No. 210 of 2019.

However, in view of the present pandemic COVID-19, it will be open for the learned Court below to accept the bail bond on furnishing an undertaking by the surety, on photo copy of his Aadhar Card to the effect that he is ready to become the bailor of the petitioner which may be transmitted by such surety to the learned Court concerned through e-Mode.

The provisional bail of the petitioner will be confirmed by the learned Court below within three months on furnishing bail bond of Rs. 10,000/-(ten thousands) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Sherghati, Gaya in connection with Amas P.S. Case No. 210 of 2019 including one surety given at the time of provisional bail.

The learned Court below will be at liberty to further extend the period of provisional bail if the Court



proceeding in physical mode will not resume in next three months.

It is made clear that before granting bail, learned Court below shall verify from the case diary that petitioner is having no criminal antecedent. However, if it is found that petitioner has criminal antecedent, the order will not be given effect to.

Accordingly, the present application stands disposed of.

(Dinesh Kumar Singh, J)

Shageer/-

U		T	
---	--	---	--

