IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31746 of 2020

Arising Out of PS. Case No.-42 Year-2008 Thana- RAJAOLI District- Nawada

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Lalo Ghatwar @ Lalo Singh Gatwar @ Lalo Singh, S/o Late Jharo Ghatwar @ Jharo Singh Resident of Village-Jamundaha, P.S.-Rajauli, District-Nawada.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr.Rajeev Nayan, Advocate
For the Opposite Party/s : Mr. Dinesh Singh, A.P.P

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 09-12-2020 In view of the submission and the undertaking of the learned counsel for the petitioner, at the time of hearing of this application through video conferencing, that he would remove the defect(s), as pointed out by the office vide its notes dated 24.11.2020, within two weeks of starting of the Court proceeding in physical mode, he is permitted to remove the same accordingly.

Heard learned counsel for the petitioner and the learned A.P.P. for the State through video conferencing.

The petitioner seeks bail in connection with Rajauli P.S. Case No. 42 of 2008, registered under Sections 147, 148, 149, 186, 353, 307, 379, 411 and 120(B) of the Indian Penal Code, Sections 25(1-b)a, 26 and 35 of the Arms Act, Section 17 C.L.A. Act, Section 20 and 22 of the N.D.P.S. Act and

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Section 33 of the Forest Act.

Learned counsel appearing for the petitioner submits that it would appear from the F.I.R. that on receiving secret information by the informant and other Police personnel about gathering of extremists in village-Jamundaha to commit heinous crime, the informant and other Police personnel proceeded in that village then firing was started raising slogans of M.C.C. Thereafter, Police personnel also took position and firing was made then all proceeded from there taking advantage of forest and mountains. It is alleged that on the spot, some blood stained soil found, which shows some of the extremists have sustained injuries. On returning, when the house was searched then three persons, namely, Bandhan Singh, Sukhdeo Singh and Rajo Turiya were apprehended, who disclosed that on the instruction of Maheshjee, Satendrajee and Raghujee, opium crop is being cultivated. They also disclosed the name of petitioner Lalo Ghatwar @ Lalo Singh Gatwar @ Lalo Singh in cultivating the crops of opium and extracting the opium from the plants. Further submission is that petitioner was not apprehended on the spot. The name of petitioner surfaced in the confessional statement of co-

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accused. The petitioner has no criminal antecedent and he is in custody since 21.05.2020.

Having regard to the facts and the circumstances of the case, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-I-cum-Special Judge, Nawada in connection with Rajauli P.S. Case No. 42 of 2008 (Special Case No. 05/2008/ 19/2020). One of the sureties must be parents/close relative of the petitioner.

(Rajendra Kumar Mishra, J)

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