

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30935 of 2020

Arising Out of PS. Case No.-3 Year-2019 Thana- CHAKARANDHA P.S. District- Gaya

BHOLA BHARTI @ BHOLA BHUIYAN, aged about 35 years, Gender- Male, Son of Ram Sahay Bhuiyan Resident of Village- Mohuliniya, P.S.- Dumaria, District- Gaya.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Kundan Kumar, Advocate.

For the Opposite Party : Mr. Nityanand Tiwari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 25-11-2020 Due to COVID-19 Pandemic, the matter is being taken up by way of virtual Court proceeding.

The matter has been listed under the heading ‘For Orders’ under the orders of Hon’ble the Chief Justice.

Learned counsel for the petitioner is directed to remove the defects, as pointed out by the office, within a period of four weeks after restoration of normalcy.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner seeks bail in a case for the offence registered under Sections 124(A) of the I.P.C. and 16(1)(b)/18/20 U.P. A. Act.

The prosecution story, in brief, is that on 02.05.2019,



the informant and others C.R.P.F. Team were barricading near Middle School, Barha. Two persons coming on Motorcycle, were arrested when they tried to flee away. They disclosed their name Suryamal Yadav and Kishori Yadav and one Naxalite poster, stolen Motorcycle and Mobile were recovered from them. In Naxalite poster, murder of Raghunandan Bhokta was justified and general public were provoked against the administration.

It has been submitted by learned counsel for the petitioner that the petitioner is in custody since 30.11.2019. The petitioner has got no criminal antecedent. Charge sheet has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. The petitioner is not named in the F.I.R. The name of the petitioner has transpired in the present case on the basis of confessional statement of co-accused. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in the present case. There is no recovery of any incriminating article from conscious possession of the petitioner.

On behalf of the learned counsel for the State, it has been submitted that the petitioner is not named in the F.I.R.



Considering the facts and circumstances of the case, the petitioner above named, is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M. Sherghatti, Gaya, in connection with Chhakarbanda P.S. Case No. 03 of 2019.

(Sudhir Singh, J)

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