

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.33144 of 2020

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

1. KHADHDHARI SINGH @ KHADAG DHARI SINGH Son of Late Jageshwar Singh Resident of Village - Jamundaha, P.S. - Rajauli, District - Nawada.
2. Sarpanch Singh Son of Kripali Singh Resident of Village - Jamundaha, P.S. - Rajauli, District - Nawada.
3. Rajkumar Singh Son of Late Bandhan Singh Resident of Village - Jamundaha, P.S. - Rajauli, District - Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajeev Nayan

For the Opposite Party/s : Mr.Amitesh Kumar

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 17-12-2020 Heard learned counsel for the parties.

This application for regular bail in Special Case No. 19 of 2020, arises out of Rajauli P.S. Case No. 42 of 2008, disclosing the offence punishable under Section 307 and other allied Sections of the Indian Penal Code and Sections 25(1-b)a/26/35 of the Arms Act.

The occurrence is of 28.03.2008. The petitioners appear to have been taken into custody in May 2020. The Officer-in-Charge of Rajauli Police Station is the informant, who disclosed in his self written statement that he had received



an information that 35-40 MCC extremists had gathered at the village Jamundaha with dangerous weapons for committing some serious offence after having crossed the border from Jharkhand to Bihar because of the police operations carried out in the State of Jharkhand. It was only because of said information that the informant proceeded to cover the village and the moment few members of the police force entered into the village, sudden firing began from the village. Slogans were shouted for MCC. The police force retaliated the firing. The miscreants taking advantage of mountainous terrain managed to flee away. The firing and cross-firing continued for 30-45 minutes and once picture got cleared, the police force attempted to chase them but no one was found. It transpired from the trail of blood spotted at the place of occurrence that some of the extremists had sustained injuries. On the basis of blood trail three persons were arrested, namely, Bandhan Singh, Sukhdev Singh and Rajo Turiya, who were also trying to flee away. Upon massive interrogation, the persons apprehended are said to have disclosed that they were growing opium plants, abstracting catechu from the trees since long and MCC people were earning crores of rupees per year. The police found evidence of opium crops in their fields and from the said fields and huts 25 empty



cartridges were recovered. The FIR disclosed recovery of huge quantity of *Doda* and catechu. It is alleged in the FIR that from the house of petitioners no. 1 and 3, prepared catechu was found and from the eastern room of mud-built house of petitioner no. 2, one single barrel effective gun, empty cartridges, gun powder, spares and opium *Doda* (flower) kept in six bags were recovered.

There is denial in the application seeking regular bail of any recovery from the houses belonging to the petitioners. It has been argued that merely on the basis of confessional statement the petitioners have been implicated and co-accused Bandhan Singh, Sukhdev Singh and Rajo Turiya have been allowed regular bail by this Court by an order dated 18.12.2008, passed in Cr. Misc. No. 36284 of 2008.

In connection with a case of 2008, the petitioners could be taken into custody in 2020 only. Considering the gravity of the offence, as disclosed in the FIR, and the fact that the petitioners managed to keep themselves away from the process of investigation, for nearly 12 years, I am not inclined to grant them privilege of regular bail for the present, as there appears to be chance of them fleeing away from the course of trial.



This application is accordingly rejected. The petitioners shall be at liberty to approach this Court after six months, if, in the meanwhile, there is no progress at the trial.

It is directed that defects in the application pointed out by the Registry must be removed within two months from today.

(Chakradhari Sharan Singh, J)

Rajesh/-

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