

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75644 of 2019

Arising Out of PS. Case No.-6 Year-2019 Thana- LUTUA District- Gaya

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Shailendra Kumar @ Kara @ Kaif @ Shailendra (Male aged about 28 years), son
of Lakhan Yadav, R/o Village- Asurain, P.S.- Lutua, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manish Kumar No. 2, Advocate
For the Opposite Party/s : Mr. Shailendra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 24-06-2020

The matter has been heard *via* video conferencing due
to lockdown imposed on account of the COVID-19 pandemic.

2. Heard Mr. Manish Kumar No. 2, learned counsel
for the petitioner and Mr. Shailendra Kumar, learned Additional
Public Prosecutor (hereinafter referred to as the ‘APP’) for the
State.

3. The petitioner is in custody in connection with
Lutua P.S. Case No.06 of 2019 dated 18.05.2019 instituted
under Sections 147, 148, 149, 353, 307, 120-B, 121, 122,
124(A) of the Indian Penal Code; 25(1-B)A, 26, 27, 28, 29 of
the Arms Act; 3/4 of the Explosive Substances Act, 1908 and
16, 18, 20 of the Unlawful Activities (Prevention) Act, 1967.

4. The allegation against the petitioner and other



accused is of being member of extremist organization and also of engaging in gunfire with the police party.

5. Learned counsel for the petitioner submitted that the petitioner is innocent. It was submitted that even the role which has been assigned to him has not been defined and it has only been stated that the extremists, who were present and were making firing were taking the name of many persons, which included that of the petitioner. Learned counsel submitted that the petitioner has no other criminal antecedent and is in custody since 04.07.2019. It was further submitted that even the identification of the petitioner is not proper in the sense that no parentage has been disclosed and, thus, it cannot be said that it is the petitioner, who is the person whose name was taken.

6. Learned APP, from the case diary, submitted that the petitioner is a young person and before the police he has disclosed his age as 21 years, though in the application, it has been mentioned as 28 years and has further disclosed to the police that his job was to bring materials for the extremists for making and laying of land mines. It was submitted that the petitioner, along with another co-accused, was caught by the police on a tempo with incriminating articles, which are used for fixing land mines. It was also submitted that the petitioner in his



confessional statement has stated that he had got the money from the extremists to buy and bring the materials for such activities. Learned APP submitted that it is immaterial as to whether the name of the father has been taken because at that time the police did not know the father's name as the name of the petitioner was being taken by the persons, who were talking among themselves and most importantly, when the petitioner was caught by the police on a tempo, he confessed, and accordingly, everything falls in place and, thus, it was the petitioner whose name was being taken by the extremists.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to enlarge the petitioner on bail.

8. Accordingly, the application stands dismissed.

(Ahsanuddin Amanullah, J)

J. Alam/-

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