

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.85173 of 2019**

Arising Out of PS. Case No.-7 Year-2019 Thana- DUMARIYA District- Gaya

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SATENDRA SINGH BHOKTA S/o Shivrindan Singh Bhokta R/o village-
Kachanar, P.S.- Dumariya (Chhakarbandha), Distt.- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.S. Jamil Akhtar, Advocate

For the Opposite Party/s : Mr.Lalan Kumar, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 27-05-2020 This application has been placed for consideration

by the order of the Hon'ble the Chief Justice through virtual

court proceeding.

Heard learned counsel for the petitioner and
learned APP for the State.

The petitioner in the present case is seeking
regular bail in connection with Dumariya P.S. Case No. 7 of
2019 registered for the offences punishable under Sections
147, 148, 149, 341, 323, 504, 452, 436 of the Indian Penal
Code, 3 & 4 of Explosive Substances Act and 16, 18, 20, 23
of the U.A.P. Act pending in the court of learned Judicial
Magistrate, 1st Class, Sherghati, Gaya.

Learned counsel for the petitioner submits that



earlier this petitioner has moved this court for grant of regular bail vide Cr. Misc. No. 56791/2019 but the same was rejected stating that another case by the same petitioner for the same relief has been filed bearing Token No. 53622/2019. It is submitted that in fact another co-accused of the same name but having different father's name and village address had filed Cr. Misc. No. 48855/2019, the Stamp Reporter wrongly reported that this petitioner had filed another application for the same relief and only on that ground earlier the prayer for bail of the petitioner was rejected which may be seen from Annexure '1' to the present application. In this regard statement has also been made in paragraph '2' of the application.

It is further submitted that in the First Information Report there is no specific allegations against the petitioner. The name of this petitioner has come in the confessional statement of the co-accused and nothing incriminating has been recovered from the possession of the petitioner. It is further submitted that altogether 50-60 persons were allegedly said to have come on the house of the informant raising Naxali Slogan and lashed with arms but several co-



accused whose case stand on similar footing with this petitioner have been granted regular bail learned coordinate Benches of this Court. In this connection, learned counsel has pointed out that bails have been allowed in Cr. Misc. No. 44526/2019 (Ranjit Paswan Vs. State of Bihar), Cr. Misc. No. 44641/2019 (Girja Paswan Vs. State of Bihar) and Cr. Misc. No. 48855/2019 (Satendra Singh Bhokta Vs. State of Bihar). The petitioner is said to be in custody since 12.05.2019.

Learned A.P.P. for the State has though opposed the prayer for regular bail of the petitioner but the facts brought to the notice of this court by learned counsel for the petitioner have not been controverted. This court finds on perusal of the order-sheet of Cr. Misc. No. 48855/2019 available on the website of the Hon'ble High Court that on 13.08.2019 the said co-accused was granted regular bail by a learned coordinate Bench of this Court. His father's name is Chhatan Singh @ Jhathan Singh and he happened to be a resident of village Kokna, P.S. - Dumariya, District – Gaya, whereas this petitioner's father name is Shivnandan Singh Bhokta and he is a resident of village – Kachanar.



In view of the submissions that there is no specific allegation against the petitioner and the co-accused similarly situated have been granted regular bail as also there being no submission that the release of the petitioner is likely to interfere with the course of trial, this court directs release of the petitioner on bail on furnishing of bail bond of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Sherghati, District – Gaya, subject to the conditions as laid down under Section 437(3) of the Cr.P.C. as under:

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, or of the commission of which he is suspected, and

(c) that such person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.



And further condition that he will abide by and observe the guidelines and directives of the Government of India and the State Government with regard to COVID-19 Pandemic during the lockdown period. The authorities concerned shall take appropriate steps to ensure such observance prior to and after release of the petitioner.

This application is allowed.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

