

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.14511 of 2021**

Arising Out of PS. Case No.-232 Year-2020 Thana- MADANPUR District- Aurangabad

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BALDEO SINGH BHOKTA S/O MAHANGU SINGH BHOKTA R/O
VILLAGE-BADAM, P.S-MADANPUR, DISTRICT-AURANGABAD
(BIHAR).

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mrs. Leelawati Kumari, Advocate

For the Opposite Party/s : Mrs. Pushpa Sinha, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 22-06-2021 Learned counsel for the petitioner undertakes to

remove all the defects as pointed out by office within four

weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and learned

A.P.P. for the State.

Petitioner in the present case is seeking regular bail in

connection with Madanpur P.S. Case No. 232 of 2020 registered

for the offences punishable under Section 384 of the Indian

Penal Code, Section 25(1-b) a/26/35 of the Arms Act and

Section 17, 20, 38, 39 and 40 of the U.A.P. Act.

Learned counsel for the petitioner submits that as per

the prosecution story the informant was on patrolling duty and

was checking vehicles. It is alleged that two persons, including



the petitioner, coming towards Munshi Bigha More saw the police and tried to flee away but were apprehended by the police. Upon search one loaded country made pistol, two live cartridges, cash Rs. 34,500/- and samsung mobile phone have been recovered from the possession of the co-accused while from possession of this petitioner one bag has been recovered in which a red colour poster (banner) addressed to the public to boycott Assembly Elections of 2020, requested by Communist Party of India (Maoist), has been found.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is further submitted that no fire-arm has been recovered from his conscious possession. Learned counsel submits that the petitioner is in custody since 15.10.2020 having no criminal antecedent.

Learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein this Court has noticed from the allegations made in the First Information Report that from possession of this petitioner no fire-arm has been recovered, the allegation is that he was carrying a bag in which some banners and articles were



found which were addressed to the public to boycott the assembly election, the submission being that the petitioner is a farmer, he has otherwise no criminal antecedent and there is no material in the impugned order connecting him with the extremist, he is in custody since 15.10.2020 and there is no prima-facie material to make out a case under Section 39 and 40 of U.A.P. Act, this Court having noticed the kind of material and that the petitioner has no criminal antecedent and has remained in jail for eight months, investigation against him is complete but the trial is not likely to be concluded in near future, let the petitioner above named be released on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned C.J.M., Aurangabad in connection with Madanpur P.S. Case No. 232 of 2020 subject to the condition as laid down under Section 437 (3) 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, 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 the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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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'.

