

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 31846 of 2020

Arising Out of PS Case No.-382 Year-2018 Thana- KHAIRA District- Jamui

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Sanjay Modi, age (40) Son of Kailash Modi, Resident of Village - Arunbank,
P.S.- Khaira, District - Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Advocate

For the State : Mr. Md. Arif, APP

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**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL JUDGMENT

Date : 18-01-2021

Heard Mr. Manoj Kumar, learned counsel for the petitioner and Mr. Md. Arif, learned I/C Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

2. The petitioner is in custody in connection with Khaira PS Case No. 382 of 2018 dated 27.09.2018, instituted under Sections 147/121 (a)/122/124(a)/120 (b)/134 of the Indian Penal Code; 3/5/6 of the Explosive Substances Act, 1908 and 16/17/18/19/20/21/22 of the Unlawful Activities (Prevention) Act, 1967.



3. There allegation against the petitioner along with many other accused of being involved in the activities of an unlawful organization and specifically against the petitioner that from his shop provisions were supplied to them.

4. Learned counsel for the petitioner submitted that neither the petitioner was caught at the spot nor there is any recovery from him. It was submitted that the petitioner runs a Kirana Store and even if it is assumed that provisions were taken from his shop, as a shopkeeper, he has neither any knowledge nor concern with who buys what from his shop as he has no information with regard to his customers. Learned counsel submitted that the FIR itself says that provisions were brought from the shop of the petitioner and no further allegation has been made. Learned counsel submitted that the petitioner having clean antecedent is in custody since 16.04.2020.

5. Learned APP submitted that the petitioner provided the food supply to the extremists and, thus, he cannot claim that he is innocent.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like



amount each to the satisfaction of the learned Chief Judicial Magistrate, Jamui/Court concerned, in Khaira PS Case No. 382 of 2018, subject to the conditions (i) that one of the bailors shall be a close relative of the petitioner, (ii) that the petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner, (iii) that the petitioner shall also give an undertaking to the Court that he shall not indulge in any illegal/criminal activity, act in violation of any law/statutory provisions, tamper with the evidence or influence the witnesses, and any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of his bail bonds, (iv) the petitioner shall cooperate in the case and be present before the Court on each and every date, and failure to cooperate or being absent, without sufficient cause, shall also lead to cancellation of his bail bonds, and (v) till the trial is concluded, the petitioner shall personally report in the office of the Superintendent of Police, Jamui every Monday at 11:00 AM where his presence shall be recorded. Upon failure to do so, the Superintendent of Police, Jamui shall file an application before the Court concerned and his bail shall be cancelled.

7. This order is subject to the main application supported by affidavit being *e* filed before the Court by learned counsel for the petitioner latest by day after tomorrow.



8. The application stands disposed off in the
aforementioned terms.

(Ahsanuddin Amanullah, J.)

Anand Kr.

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