

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32685 of 2020

Arising Out of PS. Case No.-03 Year-2020 Thana- VALMIKINAGAR District- West
Champaran

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1. Ramu Kumar @ Ram Kumar @ Raman S/o Suresh Sah R/o Village- Mahuawa, P.s.- Naurangiya, District- West Champaran
 2. Durgesh Tiwari @ Harishankar Tiwari S/o Late Narsingh Tiwari @ Late Radheshyam Tiwari R/o Village- Dhumwatad, P.s.- Valmikinagar, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey, Adv.
For the Opposite Party/s : Mr.Yogendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 19-01-2021 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

The petitioner seeks bail in a case registered for the offence punishable under Sections 147, 148, 149, 341, 342, 427, 323, 504, 506 of the Indian Penal Code and Sections 10, 12, and 13 of the UAP Act.

Prosecution case as lodged by the police personnel is that on secret information that 12-15 Naxalites armed with weapons abused and assaulted Algoo Yadav in village Dhangrahiya and they also broke the glass of his bolero and mirror of tractor and motorcycle, he along with other police reached there and inquired about the incident. Algoo Yadav



stated that 12-15 persons in military dress armed with modern weapons came to his house and abused and assaulted him physically and thereafter they entered his house and locked the family members in the room. It is also alleged that they were all in age group of about 20-35 years and there was one female also in the group. All the accused persons also threatened Algoo Yadav not to report in police as they are Naxalites Lal Salam.

Learned counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in this case due to ulterior motive. He submits that petitioners were not named in the FIR nor any reliable, cogent and independent witness has identified them. He submits that from perusal of the FIR and available evidence on the record, it shows that all alleged IPC sections are bailable except 10, 12, 13 UAP Act but no UAP act material is available on the record. He further submits that petitioners are languishing in judicial custody since 13.07.2020.

In the facts and circumstances of the case, let the petitioners, above named, be released on bail on furnishing bail bond of Rs.20,000/- (rupees twenty thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M. 4th , Bagaha, West Champaran in connection with



Valmikinagar Police Station Case No. 03 of 2020 subject to the conditions:

(1) One of the bailors will be his own blood relative, preferably, father, mother, brother, sister and/or their wife.

(II) The petitioners shall not indulge himself in any similar offence till conclusion of the trial.

(III) The petitioners shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, their bail bonds shall be liable to be cancelled by the learned court concerned.

(IV) The petitioners shall co-operate with the investigation, if not already concluded and make themselves available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Anjani Kumar Sharan, J)

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