

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35867 of 2020

Arising Out of PS. Case No.-106 Year-2017 Thana- LAXMIPUR District- Jamui

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PRAKASH DAS son of Baleshwar Das Resident of Village- Jawatari, P.S.-
Barhat, District- Jamui

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Akash Raj

For the Opposite Party/s : Mr.APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 12-04-2021

Heard both sides.

The petitioner apprehends his arrest in Laxmipur P.S. Case No.106 of 2017 registered under Sections 120A, 121A and 122 of the Indian Penal Code, Sections 3 and 4 of Explosive Substance Act and Sections 16, 17, 18, 19, 20 and 21 of U.A.P. Act.

The informant received information that some naxals have assembled in the area of Tetaria and Dhaman Kunda forest. A raiding team was constituted under the leadership of S.P., Jamui and they made raid. After seeing the police, some persons fled away but one Sunil Das was apprehended. A cane bomb and an electronic detonator were recovered. Sunil Das is said to have disclosed that Arvind Murmur, Lalo Das, Birendra Das and Prakash Das(the petitioner) managed to flee away.

The learned counsel for the petitioner submits that all the allegations are false and concocted. The petitioner resides in Bangalore and he is a daily wages labourer. He has no knowledge about his implication in the case. Sunil Das was



apprehended by the police. Sunil Das is the brother-in-law of the petitioner. Sunil Das is also daily wages worker and he worked in Delhi. Sunil Das returned to his native village for the purpose of marriage of his daughter and he was arrested by the police. It is further submitted that petitioner has got no criminal antecedent. The police themselves planted cane bomb and detonator in order to implicate the innocent villagers but it appears from perusal of the F.I.R. itself that a team was constituted under the leadership of S.P., Jamui and when raid was made by the police personnel, many persons fled away from the place of occurrence. One Sunil Das was apprehended and he disclosed the name of the petitioner and others who managed to flee away. From the place of occurrence, explosive substances were recovered. The petitioner is found to be a member of banned organization.

Taking into consideration the facts aforesaid, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

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