

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40291 of 2020

Arising Out of PS. Case No.-27 Year-2020 Thana- GOH District- Aurangabad

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SURESH RAJWAR @ SURESH RAM SON OF LATE MALECHH
RAJWAR @ BHUNESHWAR RAM RESIDENT OF VILLAGE- DINDIR,
P.S.- HASPURA, DISTRICT- AURANGABAD

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bachan Jee Ojha, Advocate

For the Opposite Party/s : Ms. Anita Kumari Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

5 28-04-2021 Heard Mr. Bachan Jee Ojha, learned counsel for the

petitioner and Ms. Anita Kumari Singh, learned Additional

Public Prosecutor appearing for the State through video

conferencing.

Petitioner seeks regular bail in connection with Goh
P.S. Case No. 27 of 2020 registered for the offences punishable
under Sections 147, 142, 323, 379 and 302 of the Indian Penal
Code 1860 and Section 27 of the Arms Act.

The prosecution story in brief is that some miscreants
arrived at the place of occurrence and fired upon one of the
labourers of the construction company which was constructing a
bridge, due to non fulfillment of levy to CPI (Maoist) Magadh
Zonal Committee.



Learned counsel for the petitioner submits that the petitioner is not named in the First Information Report and he has been dragged in this case merely on the basis of confessional statement of co-accused Raju Singh @ Rajesh who has been granted bail by a co-ordinate Bench of this Court in Cr. Misc. 1987 of 2021. Learned counsel further submits that from perusal of the impugned order, it appears that Raju Singh @ Rajesh has stated in his confessional statement that he had delivered the letter to the contractor in which there was a demand of levy from the construction company and he has further stated that one Bijay Paswan fired upon one of the labourers, due to which, he died. Learned counsel also submits that the petitioner has got no criminal antecedent.

On the other hand, learned counsel for the State referring to the case diary submits that from the confessional statement of Raju Singh @ Rajesh, it transpires that the letter by which the levy was being demanded by the construction company, was written by the petitioner.

Having regard to the submissions made by the parties and taking into consideration the materials on record, the fact that similarly situated co-accused person on whose confessional statement the name of petitioner has transpired, has been



granted bail by a co-ordinate Bench of this Court and the petitioner is in custody since 4.8.2020 having clean antecedent, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, above named, be released on regular bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Daudnagar, Aurangabad, in connection with Goh P.S. Case No. 27 of 2020 subject to the following conditions:-

(i) That both the bailors shall be resident of territorial jurisdiction of the learned court below.

(ii) That the petitioner shall fully cooperate with the trial of the case, failing which the court below shall be at liberty to cancel the bail bonds of the petitioner.

iii) That the petitioner shall not leave the country without permission of the trial court.

It is made clear that at the time of furnishing bail bonds all the parties shall follow the guidelines regarding social distancing.

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(Anil Kumar Sinha, J)

