

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11942 of 2022

Arising Out of PS. Case No.-79 Year-2012 Thana- BARHAT District- Jamui

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BRAHMDEV RANA @ BRMA DEO RANA @ BAMBAM RANA @ BAM
DA Son of Doman Rana @ Late Doman Rana, Resident of Village - Khiriya,
P.S.- Laxmipur, Distt.- Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Raj Ballabh Singh, APP.

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 26-07-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Barhat P.S. Case No. 79 of 2012 lodged under Sections 121,
121A, 122, 120(b), 353, 307 of the Indian Penal Code, read with
Sections 25(1-B)a, 26, 27 and 35 of the Arms Act, read with
Sections 3, 4 and 5 of the Explosive Substance Act and read
with Sections 10, 13, 16, 18, 20 and 23 of the Unlawful
Activities Prevention Act, 1967.

As per the prosecution case, upon secret information
against the Naxali, C.R.P.F. Battalion 131 and 215 have
launched a joint operation in Jamui and Munger, during search
police reached near village-Ambatola, P.S.-Barhat at about 11

a.m. on 14.12.2012. It has been further alleged that 5 to 6 armed persons started firing upon the seizure team, they started following the Naxali but Naxali fled away. A Hero Honda Motorcycle was recovered from the spot, villagers informed that this motorcycle belongs to one Naxali Baleshwar Koda. The local people also disclosed the name of other persons involved in the naxal activities. During search in the motorcycle, 9 mm pistol and 8 life cartridges as well as 25 mm Jiletene, explosive tube 10 pieces and Codex wire 25 meters were recovered from the dicky of the motorcycle. Due to fear of the Naxali, no local person was ready to be witness of seizure. Thereafter, this case has been lodged.

It has been alleged by the learned counsel for the petitioner that his name was figured in this case by virtue of identification made by the villagers. Learned counsel for the petitioner further submits that petitioner is innocent and nothing was recovered from his possession. His name has figured in this case by virtue of the statement of the local persons. Learned counsel for the petitioner further submits that accused is in custody since 10.06.2021 having two criminal antecedent of same nature i.e. under the provision of I.P.C., Arms Act, Explosive Substance Act and UAP Act.

Learned counsel for the State opposes the prayer for bail of the present petitioner and submits that the arresting of the petitioner was extremely difficult and in this case and as well as in another case, if bail shall be granted to him, there is no question of completion of trial, whereas completion of trial is the prime object of the judicial system.

Considering the facts and circumstances that the petitioner is accused in the offences relating to Unlawful Assembly Act, Explosive Substance Act and other act, which are not crime against individual rather crime against public as well as country at large and the submission made by the prosecution, I am of the view that trial may be completed as expeditiously as possible within 9 months from today. In this background, the prayer for bail of the petitioner is hereby rejected but he may renew his prayer after 9 months.

The petitioner shall co-operate in the trial in every respect, otherwise the observation made by this court shall be of no value.

(Dr. Anshuman, J.)

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