

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38908 of 2021**

Arising Out of PS. Case No.-233 Year-2020 Thana- KHARHAGPUR District- Munger

BHIM TURI Son of Late Baldev Turi Resident of Village - Ubhi Ban Barsa,
P.S. - Bariyarpur, District - Munger.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kamal Kishore Jha, Advocate

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

2 11-01-2022 Heard learned counsel for the petitioner and Shri Chandra Bhushan Prasad, learned A.P.P. for the State through virtual court proceedings.

Let the defect(s), if any, be removed within a period of four weeks after complete start of the physical Court.

The petitioner seeks regular bail registered for the offences punishable under Sections 147, 148, 149, 120(B), 121(A), 124(A) of the Indian Penal Code, Sections 3 and 4 of the Explosive Substance Act, Sections 25(1-B)a, 26(i)(ii), 35 of the Arms Act and Sections 20 and 21 of the U.A.P. Act.

The informant in the FIR alleges that Bahadur Kora MCC Commander contacted the petitioner and Punit Mandal for strengthening the organization during Bihar Election. Accordingly, a raid was conducted and from the petitioner 28 live cartridges were recovered.



Learned counsel for the petitioner submits that the petitioner is in custody since 05.09.2020, charge-sheet has been submitted and has been falsely implicated in the present case.

Learned A.P.P. for the State vehemently opposes the prayer for regular bail of the petitioner and submits that Section 43(d) of the UAP Act, 1967 bars bail in such cases until and unless there is a reasonable belief that the accused would not participate in such occurrence in future.

From perusal of the case diary and charge-sheet, learned A.P.P. draws the attention of the Court to para 3 of the bail application where antecedent of the petitioner is mentioned and the petitioner has two antecedent of similar nature.

Considering the fact that petitioner has antecedent of similar nature, the Court is not persuaded to grant bail to the petitioner for the present in connection with Kharagpur P.S. Case No. 233 of 2020 pending in the Court of learned Additional Chief Judicial Magistrate-IV, Munger/successor Court.

Accordingly, prayer for bail is rejected.

(Satyavrat Verma, J)

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