

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34604 of 2022**

Arising Out of PS. Case No.-33 Year-2022 Thana- MADANPUR District- Aurangabad

BINOD KUMAR BHUIYAN S/o Thegan Bhuiya R/o village- Ramabandh,
P.S.- Madanpur, District- Aurangabad

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Anil Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER**

2 12-09-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect(s), if any, as pointed out by the
office, be removed within four weeks.

The case is registered under Sections 18, 20, 39 of the
U.A.P.A. Act, 1967, in connection with Madanpur P.S. Case
No. 33 of 2022.

The FIR has been lodged by the police which reads as
follows:-

On 26.1.2022, the informant received a confidential
information that Binod Kumar Bhuiyan, the petitioner herein is
in the contact with Zonal Commander Vivek Yadav and



planning to commit offence providing equipment and information regarding movement of security forces. Thereafter, informant lodged 'Sanha' and informed his senior officers and formed a joint raiding team and started combine operation. At 11.30 p.m., near Jurahi Canal, he noticed that a person coming whereafter the raiding team apprehended him. On inquiry, he disclosed his name as Binod Kumar Bhuiyan (the petitioner herein). On search of his body, a mobile set containing two sim cards and SD Card was/were recovered from his right pocket. Thereafter, a seizure list was prepared of the seized articles and he was arrested.

Learned counsel for the petitioner submits that recovery of mobile from his possession and PVC pipes near his house can in no way take him within the ambit of the UAPA Act and the police despite the fact that he has no criminal antecedent has implicated him and was forced to make confessional statement connecting him with the Naxal people. He submits that he is in custody since 27.1.2022 (as stated in para-9 of the bail application) and he has made categorical statement that has nothing to do with Naxal activities and as such the UAPA does not attract to him.

Considering the fact that he is in custody since



27.1.2022, the only things that have been recovered near his house and/or from him are mobile phones, PVC pipe, has no criminal antecedent, is in custody since 27.1.2022 and the charge-sheet stands submitted, this Court is inclined to grant him the privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 20,000/- (Twenty thousand) with two sureties of like amount each to the satisfaction of Chief Judicial Magistrate, Aurangabad, in connection with Madanpur P.S. Case No. 33 of 2022 subject to the following conditions:

(i) one of the bailors should be the family members of the petitioner, who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail his cancellation of bail by the Trial Court itself;

(iii) he shall appear before the concerned police station every fortnight for next six months to mark his presence;

(iv) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty



to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is
allowed.

(Rajiv Roy, J)

Ravi/Ajay Singh

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