

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43411 of 2021

Arising Out of PS. Case No.-45 Year-2019 Thana- CHAKAI District- Jamui

ILLIYAS HEMBRAM @ ILLIYAS SOREN SON OF LATE SHUKAR
HEMBRAM Resident of Village - Ghutia (Chhutia), P.S.- Chakai, Distt.-
Jamui

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Narsingh Tanti, Adv.

For the Opposite Party/s : Mr.Rajiv Nayan, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 15-02-2022 Heard.

The petitioner seeks regular bail in connection with S.T. No. 51/2021 (Chakai P.S. Case No. 45 of 2019), registered for the offence punishable under sections 147, 148, 149, 341, 342, 333, 307, 353, 120(B), 121, 121(A), 504, 506 of the Indian Penal Code and Sections 25(1-B)A/26/27/35 of the Arms Act, Section 3/5 of Explosive Substance Act and Sections 16, 17, 18, 19, 20, 21 and 22 of Unlawful Activity (Prevention) Act.

The police had received secret information that the members of the naxalite group were hatching conspiracy to carry out saboteur act prior



to the Lok-Sabha election whereupon the police had reached at the Jungle situated at Hindala, District Jamui, however, the naxalites started firing on the police force. Nonetheless, the police force had also fired in self-defense resulting in the naxalites fleeing away, however, three naxalites, in injured condition, were apprehended. It is also alleged that upon search being made at the place of occurrence, huge quantity of arms, ammunition and cartridges were recovered. The petitioner and other accused persons are also stated to be having complicity in the matter, which was disclosed by the arrested co-accused person.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case. It is further submitted that though the petitioner is in custody since 22.02.2020, but he has been remanded in the present case on 16.01.2021. The learned counsel for the petitioner has also submitted that though the petitioner is accused in one other case, but he is on bail in the said case. It is also the case



of the petitioner that the petitioner has got nothing to do with the Naxali movement and no incriminating article has been recovered from the conscious possession of the petitioner and he has been roped in the present case merely on suspicion. Lastly it is submitted that similarly situated co-accused persons have already been granted bail by a co-ordinate Bench of this Court vide order dated 14.10.2019 passed in Cr. Misc. No. 57788 of 2019.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the parties and taking into account the materials available on record as also considering the parity of the case of the petitioner with that of the co-accused persons, who have already been granted bail by a co-ordinate Bench of this Court, apart from the fact that neither the petitioner has been arrested from the spot nor any incriminating articles/ arms/ cartridges have been



recovered from the conscious possession of the petitioner, I deem it fit and proper to admit the petitioner to the privilege of regular bail.

Accordingly, the petitioner, above named, is directed to be released on bail on furnishing bail-bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned court of A.D.J. III, Jamui in connection with S.T. No. 51/2021 (arising out of Chakai P.S. Case No. 45 of 2019.

(Mohit Kumar Shah, J)

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