

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44091 of 2021

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

**BAMBAM KUMAR S/o LATE SAKALDEO YADAV R/O VILLAGE-
LOHCHI, P.S-HAVELI KHARAGPUR (SHAMPUR), DISTRICT-
MUNGER.**

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajiv Kumar Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 17-02-2022 Heard learned counsel for the petitioner and 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 in connection with
Kharagpur P.S. Case No. 233 of 2020 instituted for the offences
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 read with
Sections 10, 13, 16, 18, 20 and 21 of the U.A.P. Act.

Learned counsel for the petitioner submits that the
petitioner is in custody since 05.09.2020, has criminal
antecedent of one case and charge-sheet has been submitted.

The informant alleges that he received information



that area commander of banned organization MCC Bahadur Kora and his colleagues Nityanand Chaurasiya @ Bablu Chaurasiya along with Punit Mandal were coming with explosives, arms and ammunitions at Rishikund hills for reuniting the banned group during the ensuing Bihar Assembly Election accordingly the informant reached the place of occurrence in the morning at about 03:45 A.M. and the accused seeing the police started fleeing but eight of them were apprehended including the petitioner, on search, food items, arms and ammunitions, detonator were recovered from the possession of the accused persons and from possession of the petitioner one loaded country made pistol with one live cartridge was recovered.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case and the FIR clearly discloses that it was a Bahadur Kora and his colleagues, namely, Nityanand Chaurasiya and Punit Mandal were instrumental in regrouping the organization and as far as this petitioner is concerned he has been roped in the case alleging that one country made pistol and one live cartridge was recovered. Learned counsel further submits that the petitioner is alleged to have been arrested at 03:45 A.M. in the morning but



arrest memo was prepared at 09:10 A.M. and the seizure list was prepared at 06:10 A.M. which in itself demonstrates that the petitioner was not arrested from the spot and it is also submitted that petitioner has no incident of the kind which even remotely links him with nuxalite organization.

Learned A.P.P. for the State vehemently opposes the prayer for regular bail of the petitioner.

Considering the fact that the petitioner is in custody, charge-sheet has been submitted and the petitioner does not bear any previous criminal antecedent which connects him with the nuxalite organization, let the petitioner above named be released on bail **after framing of charge** on furnishing bail bond of Rs.25,000/- (Rupees Twenty-five Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-IV, Munger in connection with Kharagpur P.S. Case No. 233 of 2020, with condition that one of the bailors shall be the brother-in-law (Sala) of the petitioner, namely Mantu Yadav.

(Satyavrat Verma, J)

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