

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45833 of 2021

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

Shambhu Turi @ Md. Dizni Son of Anil Turi Resident of Village-
Ubhibanbarsha, P.S.- Bariarpur, District- Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kamlesh Kumar Pathak, Advocate

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

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

5 10-02-2022 Heard learned counsel for the petitioner and Shri
Rabindra Kumar, learned A.P.P. for the State through virtual
court proceedings.

The petitioner seeks bail in connection with
Kharagpur P.S. Case No. 233 of 2020 instituted for the offences
under Sections 147, 148, 149, 120(B) and 121(A)/124(A) of the
Indian Penal Code read with Sections 24(1-b)a, 26(i)(ii)/35 of
the Arms Act and Sections 10, 13, 16, 18, 20 and 21 of the
Unlawful Activities (Prevention) Act.

Learned counsel for the petitioner submits that the
petitioner is in custody since 04.09.2020 and charge-sheet has
been submitted in the case.

Learned counsel for the petitioner submits that
informant in the F.I.R. alleges that on 03.09.2020 at about 22:30



hours, he received information that Area Commander of banned organization M.C.C., Bahadur Koda and his colleagues Nityanand Chourasia @ Babloo Chaurasiya along with Punit Mandal were coming with explosive and ammunition at Rishi Kund Hills for reuniting the banned group in regard to ensuing Bihar Assembly Elections. Accordingly, it is alleged that a team was constituted and the raiding party reached at the place of occurrence in the morning at about 3:45 am and on seeing the police party, the accused started fleeing but eight accused were apprehended, including the petitioner, and further from the petitioner, it is alleged that one pistol loaded with four cartridges were recovered.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and has no concern with the banned M.C.C. organization. Learned counsel further submits that the alleged arrest is being shown at 3:45 am and the seizure is being prepared at 7:00 am in the morning which amply demonstrates that the police in order to implicate the petitioner subsequently roped him with false allegation of recovery of firearm. It is submitted that petitioner is a person with clean antecedent but was implicated in one case under the Excise Act which also shows that petitioner was never



implicated in a case like the present one.

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

Considering the fact that the petitioner is in custody since 04.09.2020, charge-sheet has been submitted in the case and was never implicated in a serious offence prior to the present case, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten 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 a condition that one of the bailor shall be the father of petitioner (Anil Turi).

(Satyavrat Verma, J)

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