

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39195 of 2022

Arising Out of PS. Case No.-411 Year-2020 Thana- BELHAR District- Banka

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SANJAY SINGH S/o Abhimanyu Prasad Singh Resident of Kathara, Kadi
Kola, P.S.- Sangrampur, District- Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sooraj Kumar Jha, Advocate
For the Opposite Party/s : Mr.Md. Iftekhar Mahmood, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 11-10-2022 Heard Mr. Sooraj Kumar Jha, learned counsel
for the petitioner and learned counsel for the State.

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

The petitioner is in judicial custody in
connection with Belhar P.S. Case No. 411 of 2020 for the
offences under Sections 13, 16, 18 and 20 of Unlawful
Activities (Prevention) Act, 1967.

As per the prosecution story, the police officers
upon information that miscreants can disturb the local
assembly elections, raided one Ghabbu Yadav who
disclosed that they wanted to boycott election and posters
and banners were kept by one Ajay Yadav. Subsequently,
Ajay Yadav was called and two dozens of banners were
seized. The name of the petitioner came up in the



confessional statement of Ghabbu Yadav.

Learned counsel for the petitioner submits that merely on suspicion without attributing any role, the petitioner has been made an accused in this case for which he has already suffered by being in custody since 11.5.2022 (as stated in para-11 of the bail application) despite the fact that he do not have any criminal antecedent. It is his further case that even going by the FIR, no case under Section 13/16/18/20 of the Unlawful Activities (Prevention) Act is made out against the petitioner. It is his last submission that similarly placed co-accused including Ajay Yadav have since been released by coordinate benches of this Court which has been incorporated as Annexure 2 and 3 of the bail application.

Taking into account the aforesaid facts that the name of the petitioner has come into confessional statement, he is in custody since 11.5.2022, do not have any criminal antecedent, other co-accused have been granted bail, as stated above, this Court is inclined to grant him the privilege of bail

If, however, it is found that he do have criminal antecedent, the bail order shall become infructuous.



Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka, in connection with Belhar P.S. Case No. 411 of 2020 subject to the following conditions:-

(i) one of the bailor should be the family member 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 reason will entail cancellation of his/her bail bond by the Trial Court itself;

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

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) 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)

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