

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53418 of 2021

Arising Out of PS. Case No.-59 Year-2011 Thana- ROSHANGANJ District- Gaya

AJAY PARAHIA S/o- MANGRU PARAHIA @ MANGRU SINGH Resident
of Village- Dumari, P.S.- Banke Bazar, Dist- Gaya

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. S. Jamil Akhtar, Adv.

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

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 22-04-2022 Heard learned counsel for the parties through video conferencing.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 365, 147, 148 and 149 of the Indian Penal Code, section 17 of the C.L.A. Act and sections 13, 16, 18 and 20 of the U.A.P. Act.

As per the prosecution case, 23 named accused persons including the petitioner herein as also 50-60 unknown persons are said to have come variously armed looking for Munshi Mistri and Satyendra Bhuiyan. Thereafter it is stated that on the point of firearm, they kidnapped Umesh Prasad, Nagmani Prasad and Manoj Prasad. The cause of occurrence is said to be that the naxalites had stopped the construction of a bridge, had beaten up the workers and forced them to leave.



They also set fire to the machines being used in construction. The villagers had opposed the act of the naxalites and for this reason the occurrence was given effect to.

It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case. The allegations are general and omnibus in nature. No incriminating article has been recovered from the petitioner's possession and the case of the petitioner stands on a similar footing to that of a number of co-accused who have been enlarged on bail. The petitioner is in custody since 14.10.2020 and chargesheet has been submitted in the case. He has no criminal antecedent.

The application for bail is opposed by learned A.P.P. for the State.

A report was called for from the learned trial court. From the report contained in letter dated 18.4.2022 of the Additional District Judge XV, Civil Court, Gaya, it transpires that out of the 19 accused persons, 3 accused persons including the petitioner herein are in custody, 12 are on bail while 4 accused persons have been declared absconder.

Having heard learned counsel for the parties and taking into consideration the nature of allegation in the F.I.R. together with the petitioner having been named as one of the



accused, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

Liberty is granted to the petitioner to renew his prayer for bail after framing of charge.

It is further directed that if so required, learned trial court will proceed to split the case/trial of the petitioner and proceed with the framing of charge.

(Partha Sarthy, J)

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