

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10074 of 2021

Arising Out of PS. Case No.-293 Year-2018 Thana- JANDAHA District- Vaishali

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Sundeshwar Rajak @ Sagar, male, aged about 31 years, Son of Prabhu Rajak,
Resident of Village- Tisiauta, P.S.- Tisuauda, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satish Kumar Sinha, Adv.

For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 21-02-2022 Heard the counsel for the parties.

The petitioner seeks bail in anticipation of his arrest in connection with Jandaha P.S. Case No. 293 of 2018, dated 05.12.2018, instituted for the offences under Sections 147, 148, 149, 336, 506 and 120-B of the Indian Penal Code, Section 3 of the Explosive Substance Act and Sections 13, 16, 19 and 20 of the U.P.A. Act.

The accusation against the petitioner and others is



of exploding bomb in order to scare the civil society. The petitioner is also alleged to be an active member of banned Maoist group.

It has been submitted on behalf of the petitioner that he has been named in the F.I.R., but his implication in this case is only on the basis of of suspicion regarding his being member of a Maoist group. It has further been submitted that no source of information in this regard has been disclosed in the F.I.R. or during the course of investigation.

This Court had called for the case diary on an earlier occasion.

The case diary has since been received.

The perusal of the case diary indicates that there is no reference of any source through which the police came to learn that the petitioner was involved in the occurrence.

On the contrary, it has been submitted that there is no case foisted against the petitioner and he is a student who is making efforts to pass the competitive examinations for his livelihood.



On the afore-noted grounds, the petitioner seeks anticipatory bail.

Mr. Ram Priya Sharan Singh, the counsel for the State, has however submitted that the petitioner has been named in the F.I.R. and has been stated to have links with the Maoist groups. He has further submitted that if such persons, like the petitioner, are granted anticipatory bail, it would only endanger social security.

However, from the case diary, as noted-above, there does not appear to be any source which could lend credence to the aforesaid suspicion of the police that the petitioner is an active member of the M.C.C.

The petitioner is a student and has no criminal case against him apart from the present case.

Regard being had to the facts afore-stated, the petitioner, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Addl.



Chief Judicial Magistrate-XI, Vaishali at Hajipur in connection with Jandaha P.S. Case No. 293 of 2018, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

It is but made clear that the petitioner shall, while furnishing his bonds, give a separate undertaking in the following terms:

(i) that he shall not avoid the process of trial in the event of the case being committed to the Court for trial.

(ii) that he shall not leave the territorial confines of the place where the case is pending without the prior approval of the Court below.

(iii) that he shall get his presence marked before the Officer-in-Charge of the concerned police station on every Wednesday of each month.

Any failure to carry out the aforesaid direction would render the bail granted to the petitioner liable to be cancelled. In the event of any breach of the aforesaid conditions, it would be open for the Investigator to make a suitable application for cancellation of bail of the petitioner and in that circumstance, the Court below shall proceed in the matter forthwith.

With the aforesaid observation/direction, the



application stands disposed off.

(Ashutosh Kumar, J)

Praveen-II/-

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