

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67987 of 2021

Arising Out of PS. Case No.-297 Year-2013 Thana- SARAIYA District- Muzaffarpur

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BASANT KUMAR @ BASANT BHAGAT Son of Late Maheshwar Bhagat Resident of
Village- Chajan, P.S.- Kudhani, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sunil Prasad Singh, Advocate
For the Opposite Party/s : Mr.Md. Aslam Ansari, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 19-09-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Saraiya P.S. Case No. 297 of 2013 registered for the alleged offences under Sections 341, 435 and 34 of the Indian Penal Code under Section 17 of the C.L.A. Act but thereafter charge sheet has been submitted under Sections 341, 435 and 34 of the Indian Penal Code and Sections 13, 15 and 16 of the U.A.P. Act.

As per prosecution case, 6-7 unknown miscreants came to the premises of tower of Bharti Infratel Limited and set the shelter room of tower on fire. They claimed themselves to be



maoists and they were armed. The name of the petitioner transpired during investigation as an accused person.

Learned counsel for the petitioner submits that petitioner is not named in the F.I.R. and nothing incriminating has been recovered from his person or possession. There is no specific allegation against the petitioner and his name transpired in this case merely on suspicion. No Test Identification Parade has been conducted till date. No cogent material has been found against this petitioner during the course of investigation. The co-accused persons have been granted bail vide order dated 02.11.2015 passed in Cr. Misc. No. 26972 of 2015 and Cr. Misc. No. 49761 of 2015 by a Coordinate Bench. Charge sheet has been submitted in this case and the petitioner is in custody since 22.03.2021.

Learned APP for the State opposes the prayer for bail of the petitioner submitting that the petitioner is a member of extremists organization and he is a habitual offender and he is accused in other cases as well.

Having regard to the submission made on behalf of the parties and considering the facts and circumstances specially to the fact that no cogent material has come up on record to connect the petitioner with the alleged occurrence and further considering his period of custody along with submission of charge sheet, the petitioner above named is directed to be released on bail on



furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Muzaffarpur (West) in connection with Saraiya P.S. Case No. 297 of 2013, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.
- (ii) One of the bailors will be a close relative of the petitioner.
- (iii) The petitioner will remain present on each and every date fixed by the court below.
- (iv) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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