

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12609 of 2023

Arising Out of PS. Case No.-28 Year-2018 Thana- BARHAT District- Jamui

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PRAKASH RANA S/O Late Rameshwar Rana R/O Village- Amba Tola,
Musahari-tand, P.S- Barhat, District- Jamui

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Prasad, Advocate

For the Opposite Party/s : Mr. Shahabuddin Azeem @ S. Azeem, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL ORDER

5 16-10-2023

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of regular bail in connection with Barhat P.S. Case no.28 of 2018 registered under sections 302, 147, 148, 149, 201 and 427 of the Indian Penal Code, sections 3 and 4 of the Prevention of Damage to Public Property Act, section 27 of the Arms Act and sections 9, 10, 13, 16, 18, 20 and 21 of the U.A.P. Act.

3. As per the prosecution case, on the informant having received information about an attack by the naxalites, it is stated that the informant along with the police personnel reached the place of occurrence and two dead bodies, one from the common room of the school and the other from the field near the school were recovered. Empty cartridges etc. were recovered and the brother of the deceased disclosed the names of 61 accused persons including the petitioner herein.



4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case. No such occurrence as alleged involves this petitioner. He had no information about the case. A number of similarly situated co-accused have been enlarged on bail vide orders which have been brought on record as Annexure-2 series to this petition. The petitioner is in custody since 4.3.2021 and chargesheet has been submitted in the case.

5. Heard learned A.P.P. for the State.

6. Having heard learned counsel for the parties and taking into consideration the material on record, it transpires that the F.I.R. is of the year 2018 and the orders granting bail to the other F.I.R. named accused are also of the year 2018. This petitioner surrendered only on 4.3.2021, besides having a number of criminal antecedents. In the facts of the case, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

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

(Partha Sarthy, J)

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