

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18196 of 2023**

Arising Out of PS. Case No.-105 Year-2018 Thana- GOH District- Aurangabad

Sunil Khatri, S/O Late Shankar Lal Khatri, Resident of Village- Jakhim, P.S.-
Rafiganj, District- Aurangabad (Bihar).

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bachan Jee Ojha, Advocate

For the Opposite Party/s : Dr. Mrityunjaya Kr.Gautam, APP

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER**

2 15-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Goh P.S. Case No. 105 of 2018 registered for the alleged offences under Sections 147, 148, 149, 385, 386 and 120(B) of the Indian Penal Code and Sections 25(1-B)a, 26 and 35 of the Arms Act.

3. As per prosecution case, police received secret information about assembly of extremists of Maoist organization who were involved in extortion from contractors and other persons. A raid was conducted and co-accused Sarju Ram was apprehended and he named this petitioner and other co-accused persons for being involved in the illegal activity along with apprehended co-accused person. From the possession



of Sarju Ram, country made carbine and two live cartridges, cash, mobile phone, etc. were recovered.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner was not present at the spot and his name transpired on the basis of confessional statement of one Sarju Ram. Nothing incriminating has been recovered from the possession of the petitioner. Petitioner is in custody since 03.01.2022 and charge-sheet has been submitted. A number of similarly placed co-accused persons have been granted bail and one of the co-accused, namely, Bindeshwari Paswan has been granted bail by a Co-ordinate Bench of this Court vide order dated 11.12.2018 passed in Cr. Misc. No. 70981 of 2018.

5. Learned APP opposes the prayer for bail submitting that the petitioner is member of a terrorist organization. Learned APP further submits that petitioner is having long criminal history and is accused in 11 cases. At this stage, learned counsel for the petitioner submits that though the petitioner is accused in 11 cases, however, in 9 cases he is on bail.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the lack of substantive material against the petitioner and also



considering his period of custody and submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Daud Nagar, Aurangabad/concerned court in connection with Goh P.S. Case No. 105 of 2018, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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