

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25306 of 2023

Arising Out of PS. Case No.-83 Year-2019 Thana- PIRI BAZAR District- Lakhisarai

Upendra Bind Son of Late Lothu Bind R/V- Kachhua P.s- Chanan Dist-
Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajnish Chandra, Advocate

For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 23-05-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

Petitioner seeks bail who is in custody since
24.11.2022 in connection with Piri Bazar P.S. Case No. 83 of
2019, F.I.R. dated 18.07.2019 for the offences punishable under
Sections 147, 148, 149, 307 and 353 of the Indian Penal Code,
Section 27 of the Arms Act and Sections 16,17,18,20,23 and 28
of UAP Act.

According to prosecution case, the informant got
secret information that 60 active members of naxalites are going
to assemble to commit an offence towards Madhuri Kol in



Mishu Hill. When the police party reached there, the Naxalite party started indiscriminate firing upon them and one person was arrested and many incriminating articles have been recovered from the place of occurrence.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that it appears from the F.I.R. that nothing has been recovered from the possession or the house of the petitioner and only on the basis of suspicion, the petitioner has implicated in this present case. He further submits that the petitioner was never engaged with any naxal movement. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused, namely, Tinku Kumar has been granted bail by a Co-ordinate Bench of this Court vide order dated 20.11.2019 passed in Cr. Misc. No. 60549 of 2019 and another co-accused, namely, Kedar Kumar @ Kedar Yadav has been granted bail by a Co-ordinate Bench of this Court vide order dated 16.10.2019 passed in Cr. Misc. No. 64624 of 2019. The petitioner is in custody since 24.11.2022.

The learned Additional Public Prosecutor has



vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District & Sessions Judge- 1st cum Special Judge SC/ST, Lakhisarai in connection with Piri Bazar P.S. Case No. 83 of 2019, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the



court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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