

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46041 of 2022

Arising Out of PS. Case No.-8 Year-2013 Thana- KAUWAKOL District- Nawada

Binod Pandit Son of Dhaneshwar Pandit Resident of Village-Machhanda,
Paharpur, P.S.- Kawakole, Distt.- Nawada.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Verma, Adv.

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 13-02-2023 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks' from today.

Heard Mr. Pramod Kumar Verma, learned counsel appearing on behalf of the petitioner and Mr. Pronoti Singh, learned Additional Public Prosecutor for the State.

The petitioner seeks regular bail, who is in custody in connection with Kawakole P.S. Case No. 8 of 2013 registered for the offences punishable under Sections 16, 17, 18, 19 and 20 of the Unlawful Activities Prevention Act.

On a tip off regarding delivery of some articles to the naxal organization by some persons, the informant who is the S.H.O. of Kawakole reached at the spot along with the C.R.P.F. personnel. On seeing the sepoy, they tried to flee away



but on chase three persons were apprehended, who disclosed that the seized articles were ordered to supply by three naxals including the petitioner and they were going to handover the articles to them.

Learned counsel appearing on behalf of the petitioner submits that the petitioner was neither apprehended at the spot nor any incriminating material has been recovered from his possession. He further submits that though the case is of 2013, but as the petitioner had been living invariably outside the village, he was not aware of the present case, resulting into delay in approaching this Court. He next submits that co-accused Nikolas Murmu, who was apprehended by the police along with the incriminating article, has already been allowed the privilege of bail by a learned Co-ordinate Bench of this Court vide order dated 18.06.2013 passed in Cr. Misc. No. 13506 of 2013, the copy of which has been annexed as Annexure-2 to the bail application. He also submits that, in fact, only on account of past two criminal antecedents, the name of the petitioner has been implicated in the present case and he has been languishing in custody since 07.05.2022.

Learned counsel for the State opposes the bail application and submits that the petitioner appears to be an



active member of the naxal organization, as earlier also his involvement has been found in similar kind of cases.

Regard being had to the submissions made on behalf of the parties and considering the nature of allegation and the fact that neither the petitioner was apprehended at the spot nor any incriminating article has been recovered and, moreover, the investigation of the crime is complete, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-IV, Nawada, in connection with Kawakole P.S. Case No. 8 of 2013, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.



(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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