

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52492 of 2022

Arising Out of PS. Case No.-33 Year-2022 Thana- MADANPUR District- Aurangabad

SUKAN SINGH BHOKTA @ SUKAN SINGH @ SUKAN SINGH
BHOGTA S/o Late Hari Bhogta Resident of Village- Manwadohar, Tola
Umga, P.S.- Madanpur, District- Aurangabad. Petitioner/s
Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arya Achint, Advocate
For the Opposite Party/s : Mr.Surendra Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 17-01-2023 Heard Mr. Arya Achint, learned counsel for the
petitioner and learned APP for the State.

Let the defect(s), if any, as pointed out by the
office, be removed within four weeks.

The petitioner is apprehending arrest in connection
with Madanpur P.S. Case No. 33 of 2022 under sections 18, 20
and 39 of the Unlawful Activities (Prevention) Act.

As per the prosecution story, the informant has
alleged that on 26.1.2022, it came to notice that Vinod Kumar
Bhuiyan is in contact with Vivek Yadav, the Zonal Commander
of the naxal group and they are planning to commit something
wrong against the police. Accordingly, 'Sanha' was lodged and
the police departed and in course thereof, they saw a person
running away. He was caught, gave his name as Vinod Kumar
Bhuiyan, was searched in the presence of independent witnesses
and mobile phones and other things were recovered.



He gave confessional statement that he was going to meet Maoist, Zonal Commander, Vivek Yadav who had asked to supply necessary items and it was further directed to keep an eye on every movement of the police.

Learned counsel for the petitioner submits that he has been unnecessary dragged in this case.

The further story is that the police started conversation with Vivek Yadav and he was asked to provide PVC pipes and other objects.

The learned counsel for the petitioner submits that further as per the allegation, the informant and other police officials alongwith Vivek Yadav reached the spot where PVC pipes were recovered/seized and seizure list prepared.

Learned counsel submits that his name has come in the confessional statement of Vinod Kumar Bhuiyan and on that basis, the police reached his house, searched but nothing incriminating material were recovered.

Learned counsel further submits that the fact remains that sometime ago, he had scuffle with the police after which, he has been implicated in this case.

The learned APP on the other hand submits that he



has been found to be the part of the group as confessed by the Vivek Yadav and as such opposes the prayer.

Taking into account the fact that the name of the petitioner has come in the confessional statement of Vinod Kumar Bhuiyan, nothing incriminating has been recovered from his house (as stated at para-10 of the petition) and he will be cooperating in the investigation and will ultimately face the trial, this Court is inclined to grant him the privilege of bail.

Let the petitioner be released on bail, in the event of their arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Aurangabad, in connection with Madanpur P.S. Case No. 33 of 2022 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Rajiv Roy, J)

Ravi/-

U		T	
---	--	---	--

