

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58331 of 2022

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

BALDEO SINGH BHOKTA @ BALDEO SINGH BHOGTA Son of Kesho
Singh Bhogta Resident of Village - Manwadohar, P.S.- Madanpur, Dist.-
Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar,Advocate

For the Opposite Party/s : Mr.Amitesh Kumar,APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 08-02-2023 Heard learned counsel for the petitioner and the
State.

The petitioner apprehends his arrest in connection with Madanpur P.S. Case No. 33 of 2022 for the offence registered under Sections 18, 20 and 39 of the Unlawful Activities (Prevention) Act.

As per the prosecution story, the informant has alleged that on 26.01.2022, 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.

Learned counsel for the petitioner submits that his name has come in the confessional statement of Vivek Kumar Bhuiyan, nothing has been recovered from his conscious possession nor he has criminal antecedent. Further submission is that similarly placed co-accused Sukan Singh Bhokta @ Sukan Singh @ Sukan Singh Bhogta has been extended the privilege of anticipatory bail in Cr. Misc. No. 52492 of 2022 vide order dated 17.01.2023.

Let the same be kept on record.

Considering the fact that one of the co-accused namely, Sukan Singh Bhokta @ Sukan Singh @ Sukan Singh Bhogta has been extended the relief of anticipatory bail, name of this petitioner has come in the confessional statement of Vivek Yadav and he has no criminal antecedent, this Court is inclined to extend him the same relief.

However, if it is found that he do have criminal antecedent, the bail order shall become infructuous.

Let the petitioner, in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of



Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M, Aurangabad in connection with Madanpur P.S. Case No. 33 of 2022 subject to condition as laid down under Section 438(2) of the Cr.P.C. with further conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.



(vi) the petitioner shall cooperate in the investigation
and make himself available to the police as and when required.

(Rajiv Roy, J)

Jagdish/Neha/-

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