

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71533 of 2022

Arising Out of PS. Case No.-217 Year-2022 Thana- RAFIGANJ District- Aurangabad

Munni Mahto @ Upendra Prasad @ Upendra Paswan, S/o Late Malikchand Mahto, Resident of Village- Bahadurpur, P.S.- Rafiganj, District- Aurangabad. (Bihar).

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Birendra Kumar Singh, Advocate
For the Opposite Party/s : Mr.Rajendra Prasad Nat, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 03-05-2023 Heard learned counsel appearing on behalf of the petitioner and learned Additional Public Prosecutor appearing on behalf of the State.

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

The accused/petitioner is named in the F.I.R. and apprehending his arrest in connection with Rafiganj P.S. Case No. 217 of 2022 registered for the offences punishable under Sections 385, 386 of the Indian Penal Code.

The allegation against petitioner is to involve in MAOIST activities being member of communist party of India, (MAOIST) and as such, raised a demand for levy against



construction work from informant alongwith unknown co-accused persons.

It is submitted by learned counsel appearing on behalf of the petitioner that name of petitioner surfaced on the basis of confessional statement of co-accused, namely, Bhim Paswan @ Gyanjee @ Amarjit, in furtherance of which, no incriminating material recovered till now during investigation, which may connect *prima facie*, petitioner with present occurrence. It is pointed out that petitioner falsely implicated due to local village politics in this matter. While concluding arguments, it is submitted that petitioner found involved in one more case i.e. Bihar Prohibition and Excise Act, 2016, where he is on bail.

Learned APP, opposes the prayer of bail.

Considering the aforesaid facts and circumstances, as save and except suspicion and confessional statement, nothing surfaced against this petitioner, let the above named petitioner, in the event of his arrest or surrender before the court below within a period of four weeks, is directed to be released on bail furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Aurangabad (Bihar)/concerned Court, where the case is pending in



connection with Rafiganj P.S. Case No. 217 of 2022, subject to
the conditions as laid down under Section 438(2) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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