

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52945 of 2024

Arising Out of PS. Case No.-18 Year-2024 Thana- PAUTHU District- Aurangabad

Sarvesh Bhagat @ Sarwan Nirala S/o Rajan Bhagat @ Ranjan Bhagat R/o
village - Kajibigha, P.S. - Goh, District - Aurangabad, PIN Code-824129

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rohit Mishra, Adv.

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 07-08-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner seeks regular bail, who is in custody in connection with Pauthu P.S. Case No. 18 of 2024 registered for the offences punishable under Sections 353, 307 and 506/34 of the Indian Penal Code, Sections 25(1-B)(a), 26, 27 and 35 of the Arms Act and Sections 10, 11 and 13 of the Prevention of Unlawful Activity Act, 1967.

3. The police on a secret information that persons of banned organization (Maoist Group) are assembled to execute a crime, raided the place of occurrence. On noticing the police party, some of the persons succeeded in fleeing away, however, two of them including the petitioner were apprehended. On search, one country made pistol, six live cartridges and some pamphlet were recovered from the possession of the petitioner.



4. It is contended on behalf of the petitioner that the narratives made in the FIR clearly suggest that when the police raided the place of occurrence, some extremists succeeded in fleeing away. However, only on account of the fact that the petitioner was apprehended by the police, the recovery of arms and cartridges have been shown from his possession. It is further contended that the petitioner had never been made accused in connection with any other case nor he is member of any banned group. However, only because of the presence at the place of occurrence, the name of the petitioner has been implicated. It is next contended that now the petitioner has been incarcerated since 16.03.2024, having clean antecedent and the investigation of the crime is complete. The petitioner undertakes that he will fully cooperate in the proceeding of the Court.

5. On the other hand, learned counsel for the State vehemently opposed the bail application and submitted that the arms and cartridges have been recovered from the conscious physical possession of the petitioner.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the seizure list witnesses are none else but the police personnel; the investigation of the crime is complete, coupled with the fact that



the petitioner bears fair antecedent and now he has been incarcerated in custody since 16.03.2024, 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 Chief Judicial Magistrate, Aurangabad in connection with Pauthu P.S. Case No. 18 of 2024, 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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