

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59158 of 2024

Arising Out of PS. Case No.-2 Year-2018 Thana- LUTUA District- Gaya

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Bhola Bhokta @ Umendra Bhokta @ Umendra Kumar Son of Khelwan Singh
Bhokta @ Baban Singh R/O Vill. - Bhusiya, Lutua, P.S.- Lutua, Dist.- Gaya.
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 11-12-2024 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner seeks bail in a case registered for the
offences punishable under Sections 147, 148, 149, 353, 307,
120(B), 121, 121(A), 122 and 124(A) of the Indian Penal Code,
Sections 3, 4 and 5 of the Explosive Substance Act and Sections
13, 16, 18 and 20 of the U.A.P. Act.

3. Learned counsel for the petitioner submits that the
informant alleges that the police had information that Naxals
were planting I.E.D. and, accordingly, the force along with the
C.R.P.F. went to the place of occurrence to ascertain the said
information and found some persons present there and on seeing
the police party, they started fleeing away but the police chased
them and caught two of them and rest succeeded in fleeing away
from the place of occurrence. Further, from the disclosure made



by the apprehended accused Pankaj Sharma 3 Kg. I.E.D. was recovered and he further disclosed that they are active members of Naxal organization and petitioner is also one of their associates.

4. Learned counsel for the petitioner submits that petitioner has antecedent of one case and he was not apprehended from the spot as such nothing was recovered from his conscious possession and his name transpired in the case based on the confessional statement of Sujeet Bhuiyan in police custody which does not have any evidentiary value in the eye of law. It is further submitted that Bissunpat Bhagat @ Bishnupat Bhokta @ Bishunpat Bhogta, Sanjay Das, Nanhu Manjhi, Mukesh Paswan, Surendra Yadav @ Mithu @ Mukhiya Ji and Akhilesh Bhuiyan @ Amresh Bhuiyan have been granted the privilege of anticipatory bail or regular bail by different Coordinate Benches of this Court. It is next submitted that petitioner based on parity may be granted the privilege of bail.

5. Mr. Chandra Bhushan Prasad learned A.P.P. for the State vehemently opposes the prayer for regular bail of the petitioner and submits that the case is of the year 2018 and most of the accused who have been granted the privilege of regular bail either surrendered or were arrested in the year 2018-19



itself whereas the petitioner was arrested in the year 2024 as such he was absconding for six years, hence, if privilege of bail is granted, the petitioner will abscond.

6. Considering the submissions made by the learned A.P.P., the Court is not inclined to release the petitioner on bail at this stage in connection with Lutua P.S. Case No. 02 of 2018 pending in the Court of learned Sub-Divisional Judicial Magistrate, Sherghati, Gaya/Successor Court.

7. Hence, the prayer for bail is rejected.

(Satyavrat Verma, J)

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