

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10959 of 2025

Arising Out of PS. Case No.-71 Year-2015 Thana- NIMACHANDPURA District- Begusarai

Jogi Sada @ Mahendra Sada S/o Sita Ram Sada R/o vill - Majhanpur
Pokharia, P.S.- Ballia, Distt.- Begusarai, at present R/o vill - Kusmahaut, P.S.-
Neemchandpura, Distt.- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Braj Bhusan Poddar, Adv.

For the Opposite Party/s : Mr.Anant Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

5 02-07-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. In the present case, the petitioner seeks bail in connection with Nimchandpura P.S. Case No. 71 of 2015, registered for the offences under Sections 147, 148, 149, 307, 302, 323, 353, 333, 224, 225 of the Indian Penal Code and Section 27 of the Arms Act and Section 18 and 20 of the U.A.P.A.

3. As per the prosecution case, on getting information about presence of a veteran criminal co-accused Bonu Sada who has been absconding, a raid was conducted at his house. The petitioner and other co-accused persons were found sitting there. While the police party was bringing the co-accused Bonu Sada



to the police station, at the instigation of co-accused, 100-150 persons assembled and attacked the police party. In this attack, the attackers also resorted to firing and one constable was shot dead.

4. Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. No occurrence as alleged has ever taken place. There is no specific allegation against the petitioner and allegations are general and omnibus in nature. The allegation against the petitioner is that he was a member of mob and the informant has named the petitioner as brother of co-accused Bonu Sada and there is no disclosure about this information as to how the informant came to know about their relationship. Though the co-accused Bonu Sada might be a veteran criminal, the petitioner has no criminal antecedent. The petitioner and the number of persons have been made accused in this case on the saying of chowkidar and there is no cogent material to connect the petitioner with the offences as alleged. Similarly situated co-accused persons have been granted bail by a learned Single Judge of this Court vide order dated 23.05.2016 passed in Cr. Misc. No. 15210 of 2016 and even co-accused Bonu Sada @ Baunu Sada has been granted bail by a learned



Single Judge of this Court vide order dated 31.10.2018 passed in Cr. Misc. No. 64460 of 2018. The petitioner is in custody since 05.09.2024 and charge sheet has been submitted.

5. Learned A.P.P. appearing for the State vehemently opposes the submission made on behalf of the petitioner. Learned A.P.P. submits that the petitioner was part of mob which committed murder of a constable and in order to free the veteran criminal, attacked the police party.

6. Having regard to the fact and circumstances and submission made on behalf of the parties and considering the vague nature of allegation and also considering grant of bail to similar situated co-accused persons and further considering the period of custody of petitioner and submission of charge sheet against him, the petitioner is directed to be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned J.M.F.C., Begusarai/concerned court, in connection with Nimchandpura P.S. Case No. 71 of 2015, subject to the condition laid down under Section 480(3) of the B.N.S.S. and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.



(ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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