

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1925 of 2025

Arising Out of PS. Case No.-6 Year-2017 Thana- ADHAOURA District- Kaimur (Bhabua)

Makun Pasi @ Makun Chaudhari S/O Ram Janm Chaudhari Village- Tatariya
Tola, P.S.- Hariharganj, Dist.- Palamu, Jharkhand

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rakesh Kumar Mishra,Adv.

For the Opposite Party/s : Mr.Ganesh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 06-03-2025 Heard learned counsel for the petitioner and learned
counsel for the State.

2. The petitioner is in judicial custody in connection with Adhaura P.S. Case No. 06 of 2017 for the offences under Sections 147, 148, 149, 323, 342, 435 and 379 of the Indian Penal Code, Section 27 of the Arms Act, Section 10/13 of the UPA Act and Section 17 of the CLA Act.

3. As per the allegation in the FIR, the informant has alleged that he owns a JCB and a Tractor while one of his co-villager owned a Tractor which were used by the Forest Department. It is further alleged that on 13.02.2017, 8-9 armed militant came and torched the vehicles after beating the driver present there. It is further alleged that the accused persons were raising slogans after torching the vehicles.



4. It is the case of the petitioner that he is not named in the FIR. It is his further case that on the confessional statement of one Mithilesh Rai, his name has cropped up which resulted into his judicial custody since 18.06.2024 (paragraph-4 of the petition) only because he has criminal antecedent. As he never came to know about the case, only after his arrest, got the knowledge about the implication. His last submission is that Mithilesh Rai @ Mithilesh Rajbhar has been granted bail in Cr. Misc. No. 60891 of 2021 and Ajay Rajbhar @ Surendra Rai @ Murendra Singh has also been granted bail in Cr. Misc. No. 20697 of 2021.

5. It is important to quote few paragraphs of said Cr. Misc. No. 20697 of 2021 (**Ajay Rajbhar case**) which was allowed by the co-ordinate Bench on 01.12.2021:-

“As penal provisions of the Unlawful Assembly Activities (Prevention) Act, 1967 are invoked by the prosecution, one will have to keep in mind provisions of sub-section (5) of Section 43D thereof. In such offences, the bail cannot be granted unless and until there are reasonable ground for believing that the accusation



against the accused is prima facie not true.

First informant report of the incident in question is lodged by Dhananjay Singh. He alleged that some terrorists have set his vehicle as well as vehicles of another persons which were engaged by the Forest Department on fire. The first informant named one of the terrorist as Anil Kumar Singh @ Sandesh @ Rakesh Mishra. Subsequently the applicant along with co-accused came to be arrested in the subject matter.

As stated by the learned Prosecutor this Court is also unable to find out any evidence which makes out a prima facie case against the applicant for that the reasonable ground are there to assume that the case against the applicant is true.

The co-accused are already released on bail. Therefore the order :

The application is allowed. The applicants/accused in Crime No. 6 of 2017



registered with Police Station Adhoura for offences punishable under Sections 147, 148, 149, 323, 342, 425 and 379 of the Indian Penal Code, Section 27 of the Arms Act, 1959, Section 10 and 13 of the Unlawful Assembly Activities (Prevention) Act, 1967 as well as Section 17 of the Criminal Law Amendment Act be released on bail on furnishing P.R. bond of Rs. 30,000/- (rupees thirty thousand) with one or two sureties of the like amount to the satisfaction of the trial Court with the following conditions.

(i) The applicant should not extend any threat, promise of inducement to the person(s) acquainted with the facts of the accusation against him so as to dissuade him/them from disclosing such facts to the Court or to any police officer.

(ii) The applicant should cooperate the trial Court in expeditious disposal of the trial against him.



(iii) The applicant to remove all office objections forthwith and the Registry to issue bail-writ as per this order only after removal of office objections by the appellant/accused.

(iv) The applicant should not repeat commission of any offence in future and if he does so the State is at liberty to file application for cancellation of bail granted to the applicant in this case for breach of this condition.

(v) The applicant should attend the learned trial Court on each and every date and his two consecutive absence shall intend the trial Court to forfeit his bail bond”.

6. Learned APP opposes the prayer submitting that he has criminal antecedent and he has delayed coming to the court.

7. Taking into account the aforesaid facts as also that now he has been named and charge-sheet submitted, will be facing the trial, has remained in custody since 18.06.2024, some of the accused persons, as stated above, have been granted bail,



in that background this Court is inclined to grant him the privilege of bail.

8. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of learned ACJM-VIth, Kaimur at Bhabua in connection with Adhaura P.S. Case No. 06 of 2017, subject to the following conditions.

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his/her 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 reasons will entail his cancellation of bail by the Trial Court itself;

(iii) he shall appear before the concerned police station every fortnight till the conclusion of the trial to mark his presence;

(iv) he shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, 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 his bail bonds.

(Rajiv Roy, J)

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