

In the Court of Sessions Judge-cum-Spl. Judge, Muzaffarpur.
Saraiya P.S.Case No.285/2017

17.01.2019 Heard the learned Counsel for the petitioners as well as the learned Spl. P.P. for the State on the separate bail petitions of petitioners Umesh Rai @ Pankaj and Subodh Baitha, who are in custody in connection with Saraiya P.S.Case No.285/2017, registered u/ss 25(1-b)a, 26, 25(1-A), 25(1-AA), 25(1-AAA)/35 Arms Act, $\frac{3}{4}$ of Explosive Substance Act and 16, 17, 18, 19, 20 and 21 of U.A.P. Act.

Informant, S.H.O. of Saraiya P.S. has alleged in his self statement that he got information that a naxal meeting is going to be held in Gorigama Diyara area. The informant flashed the information to higher officials and thereafter, a raiding party was constituted and to verify the fact, the informant alongwith raiding party proceeded and in the leadership of A.S.P. (Operation) raid was conducted in Gorigama Diyara. Seeing the police party, some persons started fleeing away but one of them was apprehended, who disclosed his name as Om Prakash Paswan @ Prince. During course of search, one country made loaded pistol was recovered from the possession of Om Prakash Paswan @ Prince. Six detonators, seven live cartridges, levy receipts, naxali purchas etc. were also recovered from the meeting place. On being interrogated, Om Prakash Paswan @ Prince disclosed that he alongwith other members of naxal organization was convening meeting for committing some disruptive activities and further disclosed the names of naxali who managed to escape, whose names are mentioned in the F.I.R. Accordingly, seizurelist was prepared.

Learned Counsel for the petitioners submits that petitioners are quite innocent and they have in fact committed no offence and they have been dragged in this case on mere suspicion. It has been submitted on behalf of petitioner Umesh Rai that he is not named in the F.I.R. and nothing incriminating has been recovered from his possession and he has been remanded in this case on mere disclosure of other co-accused. It has been submitted on behalf of petitioner Subodh Baitha that he was not arrested on the spot and he has been implicated in this case on mere confession of co-accused Om Prakash Paswan @ Prince, who was arrested on the spot. Other co-accused have been granted bail by the Hon'ble High Court, Patna as well as by this Sessions Division. The case of petitioners stands on similar footing. Learned

Spl. P.P. on the other hand also conceded to the submission that similarly situated other co-accused have already been granted regular bail.

Considering the facts stated above and nature of case, petitioners are directed to be released on bail on furnishing bail bonds of Rs.10,000/-(ten thousand) with two sureties of the like amount each.

(Dictated)

-Sd/-

Sessions Judge, Muz.