

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.15909 of 2016

Arising Out of PS.Case No. -577 Year- 2015 Thana -SASARAM NAGAR District- SASARAM (ROHTAS)

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1. Mithilesh Paswan Son of Sri Bishwanath Paswan Resident of Mohalla - Yusufchak Takiya, Police Station - Sasaram (Model) in the district of Rohtas

.... Petitioner/s

Versus

1. 3The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anita Kumari Singh, Advocate

For the Opposite Party/s : Mr. Meena Singh(App)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 26-05-2016 Heard learned counsel for the petitioner as well as learned A.P.P. for the State.

The petitioner is languishing in jail custody since 21.12.2015 in a case registered for offences punishable under Sections 4/5 of Explosive Substance Act and Section 17 of Criminal Law Amendment Act.

The prosecution case as lodged on the basis of self statement of S.I. Md. Irshad, S.H.O. of Model Police Station, Sasaram is that on 23.05.2015 at around 1.45 P.M. on receiving a secret information that detonators were kept in the house of co-accused, Vishwanath Paswan, situated at Yusufchak Takiya Ward No. 01, Sasaram for supplying it to stone Mafia and Naxalites, after S.D. Entry, informant along with armed forces proceeded and reached near the house of co-accused Vishwanath Paswan



and some of the persons began to flee away. It is also alleged that in presence of independent witnesses search of the house was conducted and in the northern room of the house 1500 detonators in 60 bundles each containing 25 pieces were recovered in a plastic bag and seized it in presence of independent witnesses on which both the independent witnesses have given their signature willingly and in course of search of the house of Vishwanath Paswan one Ravi Ranjan Kumar, tenant in the house of co-accused Vishwanath Paswan stated that his son petitioner, Mithilesh Paswan and co-accused Chandan and 3-4 unknown persons used to carry something in plastic bags in the house and all of them had come but fled away seeing the police force.

It has been submitted by the learned counsel for the petitioner that the petitioner is innocent, nothing incriminating has been found from the possession of the petitioner and it was only on the basis of the raid conducted at the house of father of the petitioner, the petitioner has been implicated. He further submits that the petitioner is a student and other co-accused named in the F.I.R. has been granted the privilege of bail by a Co-ordinate Bench of this Court passed in Cr. Misc. No. 14458 of 2016 dated 07.04.2016 on similar allegations. He further submits that the petitioner has clean antecedent, as is evident from para-3 of this application.

However, learned A.P.P. for the State submits that it

is in the house of the petitioner's father, such incriminating articles were found, hence, opposes the prayer for bail.

Be that as it may, since the co-accused has been granted the privilege of bail on similar allegations, it is directed that the above named petitioner 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, Rohtas at Sasaram in connection with Sasaram (Model) P.S.Case No. 577/2015.

However, it is made clear that the petitioner will appear before the learned Court below as and when required and in case of absence for two consecutive dates or in violation of the terms of the bail, his bail bond will be liable to be cancelled by the Court concerned without being prejudiced with this order.

(Nilu Agrawal, J)

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