

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20633 of 2016

Arising Out of PS.Case No. -16 Year- 2016 Thana -FALKA District- KATIHAR

1. LALAN PASWAN @ LALAN PAWAN son of Bishu Paswan resident of Village Hansda Gulab Bagh, P.S. Sadar, District- Purnea.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.20802 of 2016

Arising Out of PS.Case No. -16 Year- 2016 Thana -FALKA District- KATIHAR

1. Binod Paswan, son of Ram Bilash Paswan, resident of village/ MOalla Shastri Nagar, P.S. Sadar, District Katihar.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.20633 of 2016)

For the Petitioner/s : Mr. Mukesh Kumar Jha

For the Opposite Party/s : Mr. J.N. Thakur APP

(In Cr.Misc. No.20802 of 2016)

For the Petitioner/s : Mr. Mukesh Kumar Jha

For the Opposite Party/s : Mr. J.N. Thakur, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

6 31-08-2016 Heard learned counsels for the petitioners and the State.

The petitioners are languishing in custody since 28.1.2016 in a case registered for the offences punishable under Sections 399,402,353,414,307,341,342 and 365 of the Indian Penal Code, sections 25(1-B) a, 26, 27 and 35 of the Arms Act

and sections 21 and 22 of the NDPS Act.

The prosecution case based upon the self statement of Anup Kumar, S.I. of Police, Pothia O.P. is to the effect that the informant received information that through a white colour Scorpio vehicle one person has been kidnapped. On raid being made, one white colour Scorpio vehicle was found parked near petrol pump in which two persons were sitting and three persons standing outside the vehicle in suspicious condition when the chase was made, the accused persons resorted to fire on the police force. Ultimately, petitioner Lalan Paswan and co accused Md. Kaisar were apprehended. From the possession of Petitioner Lalan Paswan one loaded country made pistol which appeared to have been recently used for firing, one used cartridge and one live cartridge were recovered whereas from the possession of co accused Md. Kaishar, fire arm along with some sedative tablets were recovered. Subsequently, the police came near the alleged Scorpio vehicle and found one Md. Asif being kept captive. Md. Asif being the driver of the vehicle suggested that the vehicle was hired by Md. Kaishar and subsequently he realized that the accused persons abducted him and were planning to commit dacoity. Subsequently, petitioner Binod Paswan, co accused Md. Aftab Khan and Abhishek Yadav were also arrested when from

petitioner Binod one loaded pistol was recovered.

It is submitted by the learned counsel for the petitioners that even assuming the accusation no offence under the provisions of NDPS Act is made out against the petitioners. More over, co accused Md. Aftab Khan has been granted bail by the learned Sessions Judge.

Learned APP, after going through the case diary, submits that the accused persons were identified by the captive Md. Asif on the spot and also named them in his 164 Cr.P.C. statement and the accusation is specific against the petitioners.

Considering the nature of accusation and the petitioners having criminal antecedent, this court is not inclined to grant bail to the petitioners in connection with Falka P.S. Case No. 16 of 2016 pending in the court of learned Special Judge cum Sessions Judge, Katihar.

These applications are, accordingly, dismissed. However, let the trial be expedited.

(Dinesh Kumar Singh, J)

Anil/-

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