

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 55454 of 2017

Arising Out of PS. Case No.-63 Year-2014 Thana- Kutumba District- Aurangabad

Birbal Paswan, son of Sh. Sitaram Paswan, resident of Village- Mohar Karma, Police Station- Mali, District- Aurangabad.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Ms. Nivedita Nirvikar

For the Opposite Party/s : Mr. Anil Prasad Singh

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR

ORAL ORDER

2. 20-11-2017 Heard Smt. Nivedita Nirvikar, learned counsel for the petitioner and learned Addl. Public Prosecutor.

The sole petitioner, who is in custody since 04-03-2017 in Kutumba P.S. Case No. 63 of 2014 registered for offence under Sections 147, 148, 149, 380, 427, 436, 452, 506 of the Indian Penal Code, Sections 3 & 4 of the Explosive Substances Act, 1908 and Section 17 of Criminal Law Amendment Act, 2013 (i.e. C.L.A. Act), has prayed for grant of bail.

Smt. Nirvikar, learned counsel for the petitioner, by way of referring to F.I.R., submits that the F.I.R. was lodged against 200 unknown accused persons, however; during investigation, only on the basis of confidential information, the petitioner was made accused. She further submits that besides statement of informer/spy, there is one another material, which has been discussed by the learned Sessions Judge, Aurangabad while rejecting the prayer for bail of petitioner that petitioner has



made confession before the police. She submits that confessional statement of the accused before the police has got no evidentiary value and as such, petitioner deserves to be enlarged on bail.

However, learned Addl. Public Prosecutor, by way of referring to F.I.R., submits that the nature of accusation is very serious. Besides this, he has referred to paragraph 3 of the petition to show that petitioner is accused in number of cases and in most of the cases, which have been lodged for committing offence under Section 17 of the C.L.A. Act and other serious offences including Section 302 of the Indian Penal Code, provisions of Unlawful Activities (Prevention) Act, 1967 as well as Explosive Substances Act, 1908.

Besides hearing, I have also perused the material on record, particularly the antecedent of the petitioner, which suggests that petitioner is habitual offender of such types of offences.

In view of antecedent of the petitioner and nature of accusation, I do not find any ground to grant bail.

Dismissed.

(Rakesh Kumar, J.)

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