

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (DB) No.1388 of 2017

Arising Out of PS.Case No. -2 Year- 2017 Thana -NIA District- PATNA

=====

Moti Lal Paswan son of Girdhari Paswan resident of Village Bakhari P.S.
Adapur District East Champaran

.... Appellant/s

Versus

The State of Bihar & Ors

.... Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Rajesh Kumar

For the Respondent/s : Mr. Akhileshwar Pd. Singh

=====

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
and
HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA
ORAL ORDER
(Per: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA)

6 09.02.2018 Heard learned counsel appearing for the appellant as well as learned counsel Sri Akhileshwar Prasad Singh for National Investigation Agency and in our view, this appeal may be disposed of at the admission stage itself.

This criminal appeal has been preferred against the order dated 11.8.2017 passed by the Special Judge NIA-cum-Additional Sessions Judge, Patna in Special case no. 02/2017 (wrongly mentioned in certified copy of the impugned order as 02/2007) by which and whereunder the Special Judge NIA-cum-Additional Sessions Judge, Patna refused to release the appellant on bail.

It would appear from perusal of the record that some



persons were apprehended while they were planting IED bomb on the railway track and in course of investigation, name of the appellant came into light in confessional statement of co-accused and thereafter, investigating agency investigated the matter and found the involvement of the appellant in the aforesaid occurrence and accordingly, appellant was also charge sheeted along with other accused.

Learned counsel appearing for the appellant submits that the appellant is in jail custody for near about one year and except so-called confessional statement of co-accused, there is nothing against him. He, further, submits that earlier appellant was implicated in some criminal cases by the police and that is the reason, appellant has been implicated by the investigating agency in this case also.

On the other hand, learned counsel appearing for NIA opposes the prayer submitting that trial of the appellant as well as other accused has already commenced and moreover, it is a serious case in which appellant entered into conspiracy along with others to plant bomb on the railway track.

Considering the aforesaid facts and circumstances as well submissions of the parties, we do not find it proper to release



the appellant on bail and accordingly, his prayer for bail is rejected resulting dismissal of this criminal appeal on admission stage itself.

(Hemant Kumar Srivastava, J)

(Rajendra Kumar Mishra, J)

Shahid/-

U		T	
---	--	---	--

