

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5998 of 2019

Arising Out of PS. Case No.-366 Year-2017 Thana- SASARAM NAGAR District- Rohtas

Anil Kushwaha @ Sandeshji @ Rakesh Mishra, Son of Late Subhag Singh
Resident of Village- Kaser, P.S.- Bhagwanpur, District - Kaimur (Bhabhua)

... .. Petitioner/s

Versus

The State Of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar Singh
For the Opposite Party/s : Mr.Gulnar Begum

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 04-02-2019 Heard learned counsels for the petitioner and the

State.

The petitioner is languishing in custody since 01.07.2017 in a case registered for the offences punishable under Sections 25 (1-B)a, 26 and 35 of the Arms Act and Sections 13, 17 and 20 of the Unlawful Activity (Prevention) Act.

The prosecution case, as per the self statement of Pramod Kumar, S.H.O., Darigaon Police Station, recorded on 23.03.2017, is to the effect that on the same day, at about 3.30 P.M., the Officer-in-Charge, Belaw Police Station informed the informant that veteran naxalite, Pramod Tiwari @ Naga has been arrested and he in his confessional statement accepted that Vijay Pasi and Lal Ji Pasi have concealed the naxal's arms and ammunition in the village Rangpur, whereupon raid was laid in



the house of Vijay Pasi and Lal Ji Pasi. Though, Lal Ji Pasi was not found present in his house but Vijay Pasi was found present, who disclosed that in the garlic field of Lalji Pasi, arms and ammunition have been kept when after digging the field, huge arms and ammunition were recovered. Co-accused Vijay Pasi in his confession also named the members of extremists organization including the name of the petitioner and by virtue of that, the petitioner has been named in the FIR.

It is submitted by learned counsel for the petitioner that even assuming the accusation to be true, no recovery has been made from the petitioner. The petitioner has been named in the FIR on the confession of apprehended co-accused. A statement has been made in paragraph no.3 of the petition that though the petitioner is involved in four other cases also, but in all cases, he is on bail, though, statement to that effect has not been made in the petition.

Learned APP submits that the name of the petitioner sprang up on the confession of apprehended co-accused, from whom, huge quantity of arms and ammunition were recovered.

Considering the fact that accusation does not suggest any recovery from the petitioner and period under custody, let the above named petitioner be released on bail on furnishing



bail bonds of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Sasaram in connection with Sasaram (Darigaon) P.S. Case No. 366 of 2017.

(Dinesh Kumar Singh, J)

Amrendra/-

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