

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25112 of 2020

Arising Out of PS. Case No.-42 Year-2008 Thana- RAJAOLI District- Nawada

SURESH PASWAN, aged about 50 years, Male, Son of Late Daso Paswan @ Baso Paswan, Resident of Village Hemja Bharat, P.S. Sirdalla, District Nawada.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Prasad Singh, Senior Advocate
For the Opposite Party/s : Md. Aslam Ansari, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 22-09-2020 Heard Mr. Krishna Prasad Singh, learned Senior Counsel for the petitioner and Md. Aslam Ansari, learned Additional P.P. through video conferencing.

The petitioner seeks bail in Rajauli P.S. Case No.42 of 2008, giving rise to Special Case No.08/2020, registered under Sections 147, 148, 149, 186, 353, 307, 379, 411 and 120(B) of the Indian Penal Code, under Sections 25(1-b)a/26/35 of the Arms Act, under Section 17 of the C.L.A. Act, under Sections 20/22 of the N.D.P.S. Act and under Section 33 of the Forest Act.

The informant in sum and substance alleged that the members of the MCC banned organization had assembled to commit crime. The informant and other police officials reached at the place of occurrence but the nexalites resorted to firing. The police also made firing in their self defence. It is further alleged that three persons Bandhan Singh, Sukhdeo Singh and Raju Turiya were apprehended and they were found planting



poppy trees. The informant also disclosed the name of the petitioner and others.

Mr. Krishna Prasad Singh, learned Senior Counsel for the petitioner submits that the name of the petitioner surfaced in the alleged disclosure made by the women that it was the petitioner who was financing the plantation of poppy trees, but there is no any tangible material to show the involvement of the petitioner. The petitioner was not even found present at the place of occurrence. The petitioner is not the member of any banned organization. The petitioner has got clean antecedent and this is the only case in which the petitioner has been made accused.

Taking into consideration the facts aforesaid and the fact that the petitioner is in jail since 25.02.2020 and he has remained in jail for about 7 months, petitioner, namely, Suresh Paswan is directed to be enlarged on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-1st, Nawada in connection with Rajauli P.S. Case No.42 of 2008, giving rise to Special Case No.08/2020.

(Prabhat Kumar Jha, J)

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