

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2313 of 2021

Arising Out of PS. Case No.-7 Year-2020 Thana- BARABAR TOURIST District- Jehanabad

RAMESHWAR PRASAD @ RAM ISHWAR PRASAD @ RAKESH SAO
SON OF LATE RAMBRAT PRASAD RESIDENT OF VILLAGE - MAYEE,
P.S.- KAKO (BHELAWAR O.P.), DISTRICT - JEHANABAD.

... .. Petitioner/s

Versus

THE STATE OF BIHAR.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Paras Nath, Advocate.

For the Opposite Party/s : Mr. Pramod Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 12-04-2021 Heard learned counsel for the petitioner and learned
APP for the State through virtual Court proceedings.

The petitioner seeks bail in a case registered for the offence punishable under Sections 25 (1-b)a & 26/35 of the Arms Act and Section 10, 11 & 13 of the Unlawful Activities (Prevention) Act.

The prosecution case, in brief, is that acting on a tip-off when the informant along with the police force stopped a tempo for checking, the persons sitting in the said tempo tried to escape but anyhow three of them were apprehended. After search, 50 live cartridges, a country made carbine along with some naxal literature are said to have been recovered from the possession of the petitioner.

It is submitted by learned counsel for the petitioner that no such occurrence as alleged ever took place. He is quite



innocent and has been falsely implicated in this case by the police merely on suspicion being the co-passenger of tempo of Santosh Kumar @ Sonu. No incriminating article has been recovered from his conscious physical possession rather the said articles have been recovered from the said tempo. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. Petitioner never indulged in any extremist activity and not a member of any extremist organization. The charge sheet in this case has already been submitted. The petitioner has no criminal antecedent and has been languishing in custody since 10.02.2020.

Learned APP for the State vehemently opposing the bail petition submitted that the petitioner is an active member of naxal organization and several witnesses have also supported the prosecution case, hence the petitioner does not deserve bail.

In the facts and circumstances of the case and on perusal of the case diary, I am not inclined to enlarge the petitioner on bail. The prayer for bail is hereby rejected at this stage.

(Anjani Kumar Sharan, J)

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