

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11330 of 2022

Arising Out of PS. Case No.-285 Year-2017 Thana- SARAIYA District- Muzaffarpur

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NARESH ORAON @ NARESH URAON Son of Late Nakchhed Uraon
Resident of Village - Hasnapur, P.S.- Semra, Chiuntaha O.P., Distt.- West
Champaran (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Digvijay Kumar Ojha, Adv.

For the Opposite Party/s : Mr. Ajay Kumar Jha, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 23-06-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Saraiya
P.S. Case No. 285/2017 lodged under Sections 25 (1-B) A/
26/25(1-A)/25 (1-AA)/ 25 (1-AAA)/35 of the Arms Act, 3, 4 of
the Explosive Substance Act and also U/S 16, 17, 18, 19, 20, 21
of the Unlawful Activities Prevention Act.

As per allegation made in the FIR, on a secret
information that group of naxalites have convened a meeting, a
raid was conducted and it is alleged that people assembled there,
escaped away except one Om Prakash Paswan, who was
apprehended by the police and disclosed the names of other
participants including the petitioner.



Learned counsel for the petitioner submits that the name of the petitioner figured in this case only and only on the basis of confessional statement of co-accused, namely, Om Prakash Paswan and save and except this, there is no material available against him. He further submits that seizure list is attached with the FIR where the place and name of persons indicated there, the first seizure is related to Gaurigawa Diyra, second seizure is in the name of Om Prakash Paswan and third seizure is relating to Ram Arun Rai. He further submits that charge sheet has already been submitted in this case and the petitioner is in custody since 09.01.2022 having no criminal antecedent. He further submits that other co-accused, namely Mahesh Uraon, Deepak Uraon and Naulakh Singh have been granted bail by the co-ordinate Benches of this Court vide order dated 26.08.2021, 27.08.2021 and 27.03.2018 passed in Cr. Misc. Nos. 31711/2021, 31848/2021 and 17417/2018 respectively.

The learned A.P.P. for the State opposes the prayer for bail.

In the facts and circumstances of the case that charge sheet has already been submitted, petitioner is in judicial custody since 09.01.2022 having clean antecedent and with a



view to maintain parity, let the petitioner above named be released on bail on furnishing bail bonds of Rs. 50,000/- (Rupees Fifty Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Bettiah, West Champaran, in connection with Saraiya P.S. Case No. 285/2017.

Since the matter is related to Explosive Substance Act and Unlawful Activities Prevention Act therefore, the petitioner is directed to file a detailed affidavit that he shall never attached with such type of organization in future, at the time of furnishing his bail bonds.

The prosecution is at liberty to file cancellation of bail, in case the petitioner violates his undertaking.

Petitioner is also directed to appear on each and every dates in this case before the trial court, failure to appear on two consecutive dates shall be resulted into cancellation of bail of the present petitioner.

(Dr. Anshuman, J)

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