

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33171 of 2022

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

Sujit Paswan Son of Late Bal Swaroop Paswan Resident of Village - Ekra
Gumti, P.s.- Sarai, Distt.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Subodh Prasad, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 02-09-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and learned APP for the State.

Petitioner seeks bail in a case registered for the offences punishable under Sections 25(1-B)A/26/25(1-A)25(1-AA) 25(1-AAA)/35 of the Arms Act and $\frac{3}{4}$ Explosive Substance Act and 16/17/18/19/20 U.A.P. Act.

As per the prosecution case, the informant got secret information that one group of Naxalities were convening meeting. On such, the police went there and the people assembled there escaped away except one Om Prakash Paswan who was apprehended by the police and he disclosed the name of



other participants.

Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case. He further submits that in fact the petitioner is not named in the F.I.R. and the name of the petitioner has been transpired on the basis of disclosure made by Om Prakash @ Prince. He further submits that nothing incriminating article has been recovered from the possession of the petitioner and similarly situated co-accused person namely Naulakh Singh @ Navlakh Singh has been granted bail by a Coordinate Bench of this Court vide order dated 27.03.2018 in Cr. Misc. No. 17417 of 2018, another co-accused Deepak Uraon @ Divakar Uraon has been granted bail by a Coordinate Bench of this Court vide order dated 27.08.2021 in Cr. Misc. No. 31848 of 2021, another co-accused person namely Mahesh Uraon has been granted bail by a Coordinate Bench of this Court vide order dated 26.08.2021 in Cr. Misc. No. 31711 of 2021 respectively. He further submits that the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 16.12.2021.

Learned APP for the State has opposed the prayer for bail of the petitioner on the ground that the petitioner carries one more case other than the present one.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing



bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Saraiya P.S. Case No. 285 of 2017, with the following conditions :-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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