

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57959 of 2021

Arising Out of PS. Case No.-5 Year-2021 Thana- LUTUA District- Gaya

Rajeev Paswan Son Of Late Udeshwar Paswan Resident Of Village- Deogan,
P.S.- Chatarpur, District- Palamu, State Jharkhand.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

with

CRIMINAL MISCELLANEOUS No. 65033 of 2021

Arising Out of PS. Case No.-5 Year-2021 Thana- LUTUA District- Gaya

1. Sunil Sao @ Sunil Gupta Son Of Bhola Sao Resident Of Village -
Pandeypura, P.S. - Untari Road, Old P.S. - Pandu, District - Palamu, State
Jharkhand.
2. Vishal Kumar Son Of Ashok Ram Resident Of Village - Kanchanpur, P.S. -
Ranka, District - Garhwa, State Jharkhand.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

(In CRIMINAL MISCELLANEOUS No. 57959 of 2021)

For the Petitioner/s : Mr. Kumar Nikhil, Advocate

For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

(In CRIMINAL MISCELLANEOUS No. 65033 of 2021)

For the Petitioner/s : Mr. Kumar Nikhil, Advocate

For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 10-05-2022 Learned counsel for the petitioners undertakes to

remove all the defects as pointed out by the Stamp Reporter

within two weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioners and Mr.

Akhileshwar Dayal, learned APP for the State in both the

applications.



The petitioners in both the applications are seeking regular bail in connection with Lutua P.S. Case No. 05 of 2021 registered for the offences punishable under Sections 216, 353, 120(B), 34 of the Indian Penal Code and Sections 17, 18, 18(B), 19 of the Unlawful Activities (Prevention) Act. They are in custody since 19.05.2021. The petitioner in Cr. Misc. No. 57959 of 2021 has got one criminal antecedent whereas petitioner no. 1 of Cr. Misc. No. 65033 of 2021 has got 3 criminal antecedents and petitioner no. 2 has got one criminal antecedent.

Learned counsel for the petitioners has drawn the attention of this Court towards the First Information Report lodged by a police officer who alleges that on hearing that Naxali commander Sandeep Yadav was moving in the area in order to make available the articles of day-to-day use to Naxali cadres, the police party intercepted some vehicles passing through Karamdih More. It is alleged that on two motorcycles altogether four persons were coming from the side of village Gejna who were signaled to stop but they started fleeing away. The police party chased them and caught hold of them. It is then alleged that all the accused persons disclosed their name and from their possession mobile phone and SIM cards attached with the mobile, four new towels, two new jhangiyas and one



new dhoti were also seized. The informant who is the Officer-in-Charge of the police station claims that the arrested accused persons disclosed that they were recently recruited in the cadre and they were helping the Naxali in concealing themselves in the village. On these allegations, the petitioners have been arrested.

Learned counsel submits that it is a case of false implication and police high-handedness. The recovery is of mobile phone with SIM cards, towels and dhoti which are of use for ordinary people. It is submitted that no incriminating materials could be found from possession of the petitioners so as to suggest that they are involved in any Naxali activity. It is further submitted that in course of investigation, no person has come forward to say that there was any demand of levy from any one of them for that these persons were seen helping the Naxalies in the village.

Mr. Akhileshwar Dayal, learned APP for the State has though opposed the prayer for bail of the petitioners but after going through the case diary, learned APP has submitted that in the case diary there is no witness to say that these petitioners were working for the Naxalies.

Having regard to the submissions noted hereinabove



particularly the statement of learned APP after going through the case diary that in course of investigation no incriminating materials has been found against the petitioners, the petitioners have already remained in custody for about one year and investigation against them is complete as also that in the cases registered against them they are on bail as stated in paragraph '3' and there is no submission on behalf of the State that release of the petitioners is in any way likely to interfere with the course of trial or that the presence of the petitioners may not be secured in course of trial, in these circumstances, this Court directs release of the petitioners above named on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) each with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Sherghatti (Gaya) in connection with Lutua P.S. Case No. 05 of 2021, subject to the condition as laid down under Section 437(3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take steps for cancellation of bail bond of the petitioners. 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.

Both the applications stand allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

