

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69694 of 2021

Arising Out of PS. Case No.-22 Year-2014 Thana- NTPC KHAIRA District- Aurangabad

BANTA PASWAN Son of Gopi Paswan Resident of Village - Jujhar Sikni
(Ward No.- 10), P.S.- Husainabad, District - Palamu (Jharkhand)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Binod Kumar Pandey, Advocate

For the Opposite Party/s : Dr. Ajeet Kumar, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 09-06-2022 Heard the learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks regular bail in connection with
N.T.P.C. Khaira P.S. Case No. 22 of 2014 for the offence
registered under Sections 25(1-B)a, 26 and 35 of the Arms Act.

The case of the prosecution in brief is that the
informant along with other police personnel were on patrolling
duty and were searching for an absconded accused person, when
they got information that some criminals were going towards
Navinagar on a Tata Sumo Victa vehicle and on the said
information they had intercepted one Sumo vehicle and
apprehended three persons whereafter arms, cartridges etc. were
recovered, however, certain miscreants had managed to flee
away and upon interrogation of the apprehended accused



persons it transpired that the petitioner and others were the persons who had fled away.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case and he is languishing in custody since 15.02.2021. The learned counsel for the petitioner has filed a supplementary affidavit mentioning therein that the petitioner is an accused in three other cases but he is on bail in the said three cases. The learned counsel for the petitioner has further submitted that only on account of his bad antecedent, the petitioner has been falsely implicated in the present case and the fact is that neither the petitioner has been apprehended from the spot nor any arms/cartridges have been recovered from his possession.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record as also considering the period of incarceration of the petitioner herein apart from the fact that the petitioner has neither been arrested from the spot nor any arms/cartridges have been recovered from his conscious possession, I deem it fit and



proper to direct for release of the petitioner herein on regular bail.

Accordingly, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Aurangabad in connection with N.T.P.C. Khaira P.S. Case No. 22 of 2014.

(Mohit Kumar Shah, J)

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