

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55712 of 2022

Arising Out of PS. Case No.-61 Year-2022 Thana- BASOPATTI District- Madhubani

RAHUL PASWAN @ RAHUL KUMAR PASWAN S/o Sigul Paswan R/o
village- Bel Mohan, P.S.- Phulparas, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Jha
For the Opposite Party/s : Mr.A.G

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 04-02-2023 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Basopatti P.S. Case No. 61 of 2022 registered for the offences
punishable under Sections 395, 397 of the Indian Penal Code
and under Section 27 of the Arms Act and under Section 3/4 of
Explosive Act.

As per prosecution case, 20-25 persons attacked on
the house of the informant and started throwing bomb and
robbed his house. The informant raised alarm, thereafter
villagers came then miscreants also threw bomb on them due to
which some villagers sustained injury. It is further alleged that



miscreants, with intention to kill the informant's son, attacked him on his head due to which informant's son became unconscious and fell down. Miscreants also broke the hand of informant's wife and also assaulted informant's brother. It is further alleged that the miscreants looted one lakh cash and ornaments worth Rs. 3,50,000/- and also mobile of informant's son and his wife and fled away.

Learned counsel for the petitioner submits that petitioner is in custody since 24.05.2022. Petitioner bears two criminal antecedents in which one case is of similar nature. Learned counsel further submits that the petitioner is not named in the F.I.R. Name of petitioner has been surfaced upon the basis of confessional statement of co-accused Shashi Paswan. Learned counsel for the petitioner further submits that one mobile along with SIM in question is also recovered from the house of the petitioner but the house is a joint family house. No T.I.P. has been made till today.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner and submits that from the seizure list itself, it appears that the alleged recovery of mobile alongwith SIM in question is recovered from the house of petitioner and petitioner bearing criminal antecedent of two



cases in which one case is similar to present case.

Considering the facts and circumstances of the case, nature of allegation, as per seizure list mobile in question recovered from the possession of the petitioner, keeping in view similar criminal antecedent of petitioner and materials available on record, I am not inclined to grant bail to the present petitioner. Accordingly, prayer for bail of the present petitioner stands rejected.

However, if the trial court is not concluded within 9 months from the date of receipt of the order. The petitioner may renew his prayer for bail.

(Alok Kumar Pandey, J)

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