

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9621 of 2024

Arising Out of PS. Case No.-154 Year-2021 Thana- HASANPUR District- Samastipur

Santosh Paswan Son of Suraj Paswan @ Murat Paswan R/o vill - Sihma, P.S.
- Bithan, Distt. - Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Singh, Advocate

For the Opposite Party/s : Mr. Ashok Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 22-02-2024

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of regular bail in connection with Sessions Trial no.318 of 2022 (arising out of Hasanpur P.S. Case no.154 of 2021) registered under sections 399 and 402 of the Indian Penal Code and sections 25(1-B)(a), 26 and 35 of the Arms Act.

3. As per the prosecution case, the informant states that on having received information about the accused persons having gathered and planning to give effect to an occurrence, a raid was conducted. While four accused persons were arrested, two of them managed to escape. Various incriminating articles were recovered from the persons arrested. On enquiry, they disclosed the petitioner to be amongst the persons who had escaped.



4. Learned counsel for the petitioner submits that neither the petitioner was caught at the place of occurrence nor any incriminating article has been recovered from his possession. The only material against the petitioner is the confessional statement of a co-accused made before police. He is in custody since 2.11.2022 and has been falsely implicated in the case because of his antecedents.

5. Heard learned A.P.P. for the State.

6. Having heard learned counsel for the parties and taking into consideration the allegations in the F.I.R., the petitioner neither having been arrested at the spot nor any incriminating article having been recovered from his possession together with the petitioner having remained in custody for more than 1 year 3 months since 2.11.2022, the Court directs the petitioner to be enlarged on bail in connection with Sessions Trial no.318 of 2022 (arising out of Hasanpur P.S. Case no.154 of 2021) on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge II, Rosera, District Samastipur.

(Partha Sarthy, J)

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