

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26954 of 2024

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

Mithun Paswan Son of Sigul Paswan Resident of Village- Belmohan, P.S.-
Phulparas, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Hriday Narayan Harshit

For the Opposite Party/s : Mr.Zainul Abedin

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

9 25-10-2024 Heard learned counsel for the petitioner and learned
APP for the State.

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

3. As per prosecution case, 20-25 unknown persons attacked on the house of the informant and threw bomb and robbed his house. The informant raised alarm, thereafter villagers came there but miscreants also threw bomb on them due to which some villagers sustained injury and fled away. 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 the 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.

4. Learned counsel for the petitioner submits that petitioner is not named in the FIR and his name has been surfaced in this case upon the confessional statement of co-accused Shashi Kumar Paswan, who has already been granted bail by co-ordinate Bench of this Court vide Cr. Misc. No. 1507 of 2023. He further submits that though occurrence took place on 08.03.2022 and name of petitioner transpired in this case upon the confessional statement of co-accused on 16.03.2022. Except confessional statement, there is nothing on record to connect the present petitioner with the alleged occurrence. No incriminating article has been recovered from possession of the petitioner. Petitioner has not been put on TIP as yet. Petitioner is in custody since 27.07.2023 and bears criminal antecedent of twelve cases.

5. The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner and submits that petitioner bears criminal antecedent of 12 cases of serious in nature and most of the cases are of similar nature. He further submits that



bail prayer of co-accused Rahul Paswan @ Rahul Kumar Paswan has already been rejected by this Court vide Cr. Misc. No. 6133 of 2024 and hence, petitioner does not deserve bail.

6. Considering the facts and circumstances of the case, petitioner bears series of criminal antecedent of similar nature as well as material available on record, I am not inclined to grant bail to the petitioner. Accordingly, the prayer for bail of the petitioner is hereby rejected.

7. However, if the trial is not concluded within six months from the date of receipt/production of copy of this order to the court concerned, the petitioner may renew his prayer for bail.

(Alok Kumar Pandey, J)

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