

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29285 of 2024

Arising Out of PS. Case No.-66 Year-2024 Thana- KAMTAUL District- Darbhanga

1. Satish Kumar Paswan Son of Hare Ram Paswan Resident of Village- Narar Kothi, Ps- Kaluahi, Dist- Madhubani
2. Anish Paswan @ Kari Son of Hare Ram Paswan Resident of Village- Narar Kothi, Ps- Kaluahi, Dist- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Baidya Nath Prasad, Adv.

For the Opposite Party/s : Mr.Shailendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

3 02-08-2024 Heard learned counsel for the petitioners and learned APP for the State. Perused the case diary.

2. The petitioners seek bail in connection with Kamtaul P.S. Case No. 66 of 2024 instituted for the offences under Sections 399, 402, 413, 414 of the Indian Penal Code and Sections 25(1-B)a, 26/35 of the Arms Act.

3. As per the F.I.R., police, on the basis of secret information that some miscreants are planning to commit dacoity, raided the place of occurrence and apprehended accused persons. The apprehended persons disclosed the presence of other miscreants at other locations and, based on their disclosures, other accused persons were also apprehended



including this petitioners. On search, various arms and ammunition were recovered from accused persons.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence as alleged against them and have falsely been implicated in the present case. The petitioners were arrested on the basis of the disclosures made by the co-accused Aman Yadav and others. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner rather only a mobile set was recovered from the possession of each petitioners which belong to the petitioners. The petitioners have not been put on T.I.P. for identification. There is no direct or specific allegation of any overt act against the petitioner rather the same is general and omnibus in nature. The petitioners have clean antecedent but, they have been remanded later on in Kamtaul P.S. Case No. 63 of 2024 which was registered against unknown and are languishing in judicial custody since 09.03.2024 without any rhymes or reason.

5. Learned counsel for the petitioner again submits that the co-accused namely Pradeep Mahto @ Pradip Mahto has been granted bail by this Court vide order dated 17.05.2024 passed in Cr. Misc. No. 37107 of 2024. Co-accused Nandan



Kumar has also been granted bail by a Co-ordinate Bench of this Court vide order dated 12.06.2024 passed in Cr. Misc. No. 40975 of 2024.

6. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioners, stating that the offence alleged is serious in nature. The police has arrested number of accused persons red handed and, in course of search, arms and ammunition along with stolen motorcycles were recovered. Charge-sheet has been submitted.

7. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioners, let the petitioners, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Kamtaul P.S. Case No. 66 of 2024, subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family members of the petitioners.

(ii) The petitioners shall cooperate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the



Court and in the event of failure on two consecutive dates without sufficient reasons, their bail bonds shall be liable to be cancelled by the court below.

(iii) If the petitioners tamper with the evidence or the witnesses of the case by intimidating/pressurizing the witnesses, during the investigation or trial, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(Rudra Prakash Mishra, J)

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