

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6133 of 2024

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

Rahul Paswan @ Rahul Kumar Paswan S/O SIGUL PASWAN VILLAGE-
BEL MOHAN, PS. PHULPARAS, DIST. 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.Sanjay Kumar Tiwary

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

4 15-07-2024 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner seeks bail in connection with S.T.
No.436/2023 arising out of Basopatti P.S. Case 61/2022,
registered for the offence punishable under Sections 395 and
397 of the Indian Penal Code and Section 27 of the Arms Act
and Section 3/4 of the Explosive Act.

3. 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 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 earlier bail of the petitioner has already been rejected by this court vide order dated 04.02.2023 passed in Cr. Misc. No.55712/2022 with a direction, if the trial is not concluded within nine months from the date of receipt of the order, the petitioner may renew his prayer for bail. He further submits that he has filed present bail petition after ten months of earlier rejection of his prayer for bail. The petitioner is languishing in custody since 24.05.2022 and bears criminal antecedent of two cases in which one case is of similar nature and in both cases he is on bail. Learned counsel for the petitioner further submits that the petitioner is not named in the FIR and name of the petitioner transpired in this case on the basis of confessional statement of co-accused Shashi Paswan. He further submits that that one mobile alongwith SIM in question is also recovered from the house of the petitioner but the said house is a joint family house. No T.I.P. has been conducted till today.



5. The learned A.P.P. for the State vehemently opposed the prayer for bail of the petitioner by submitting that from the seizure list itself, it appears that the alleged recovery of mobile alongwith SIM in question is recovered from the house of the petitioner and petitioner bears criminal antecedent of two cases in which one case is similar to the present case. He further submits that the bail of the present petitioner has already been rejected on merit vide order dated 04.02.2023 passed in Cr. Misc. No.55712/2022.

6. In pursuance of the order dated 17.05.2024, a report has been called for from the trial court. The trial court vide letter no.30 dated 20.06.2024 has sent its report which reveals that the only two witnesses are yet to be examined and he sought eight months to conclude the trial. It also reveals that the trial of the case will be concluded within the time limit which was earlier fixed by the trial court.

7. Considering the facts and circumstances of the case, allegation levelled against the petitioner and material available on record, particularly keeping in view that earlier bail prayer of the petitioner has been rejected on merit, I am not inclined to grant bail to the petitioner. Hence, prayer for bail of the petitioner stands rejected.



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

(Alok Kumar Pandey, J)

amitkumar/-

U		T	
---	--	---	--

