

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6777 of 2025

Arising Out of PS. Case No.-198 Year-2015 Thana- CHARPOKHARI District- Bhojpur

Santosh Paswan, Son of Pashuram Paswan, Resident of village- Jaisidih, Ps-
Piro, District -Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 31-01-2025 Heard learned Advocate appearing on behalf of the

petitioner and the learned Additional Public Prosecutor for the

State.

2. The application for grant of bail to the petitioner who is in custody in connection with Charpokhari P.S. Case No. 198 of 2015 registered for the offence punishable under Section 3 and 4 of the Explosive Substances Act, 1908 and Sections 10, 13, 16, 17 of Unlawful Activities (Prevention) Act, 1967 and Section 17 of the Criminal Law (Amendment) Act, 2013.

3. Allegedly the police on a secret information that some naxalites planted land mines between two bridges situated at Charpokhari-Kashrai road, rushed to the place of occurrence alongwith Cobra Battalian. After intensive search, the police found the electric wire and two small gas cylinder covered in a



plastic. The explosive substance were recovered by the anti-explosive squad.

4. Learned Advocate appearing on behalf of the petitioner contended that the FIR has been instituted against unknown miscreants, however, during the course of investigation, the name of the petitioner has surfaced on the confessional statement of co-accused Sonadhari Yadav and others. The person on whose confession the name of the petitioner has transpired, he has been allowed the privilege of regular bail by this Court in Criminal Miscellaneous No. 13640 of 2017 vide order dated 04.04.2017. It is the contention of the petitioner that though the F.I.R. was registered way back in the year 2015, however, the investigation continued till date; and now the petitioner is apprehended on 16.10.2024. The identically situated person namely Munna Paswan @ Mukhiya Paswan, whose name has also surfaced on the confessional statement of other co-accused persons. has been allowed regular bail recently by this Court in Criminal Miscellaneous No. 49837 of 2024 vide order dated 21.09.2024.

5. On the other hand, learned Additional Public Prosecutor for the State vehemently opposes the bail application and submits that the petitioner bears thirteen criminal



antecedents.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the name of the petitioner has surfaced on the confessional statement and save and except the confessional statement. there is no material suggesting the complicity of the petitioner in crime, moreover, the person on whose confession the name of the petitioner transpired and other identically situated persons have been allowed the privilege of regular bail, in as much as, mere criminal antecedent of the person cannot be the sole ground to keep him behind the bar for indefinite period without there being any other cogent material, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate VII, Bhojpur at Ara in connection with Charpokhari P.S. Case No. 198 of 2015, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of



trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) The court below shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

supratim/-

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

