

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82849 of 2025

Arising Out of PS. Case No.-187 Year-2025 Thana- BUXAR INDUSTRIAL District- Buxar

Anup Paswan S/O Virendra Paswan R/O Village- Belaur, P.S- Buxar
Industrial, Distt.- Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar, Advocate

For the Opposite Party/s : Mr. Satyendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR SINGH
ORAL ORDER

2 08-12-2025 By means of this bail application, petitioner, who is involved in connection with Buxar Industrial P.S. Case no. 187 of 2025, registered for the offences punishable under Sections 310(4), 310(5) of B.N.S., and Section 25(1-b)a, 25(1-aa), 26 and 35 of the Arms Act seeks enlargement on bail during the pendency of trial.

2. Heard learned counsel for the petitioner and learned Additional Public Prosecutor representing the State.

3. As per prosecution case, in brief, the informant- Inspector Sanjay Kumar, SHO Buxar Industrial Police Station lodged F.I.R. on 02.08.2025 stating *inter alia* that he received a secret input that at the house of Dinesh Yadav situated at Dalsagar village, Dinesh Yadav and his associates have gathered who are in possession of illegal arms and are planning to commit crime. In follow up action, a raid was conducted at the



house of Dinesh Yadav, where five persons were present who tried to escape throwing a plastic bag in veranda, though Dinesh Yadav succeeded in fleeing away from his house, however, four persons namely, Dayanand Yadav, Durgesh Upadhyay, Anup Paswan (petitioner) and Sandip Yadav were apprehended at the spot. Thereafter, during search of room, two persons with a bag found hiding beneath the bed. When they were caught, they disclosed their names as Sunil Poddar and Rajesh Poddar. From the house of Dinesh Yadav, recovery of 3 country-made pistol and 18 cartridges were made.

4. It is argued by learned counsel for the petitioner, that petitioner is innocent and he has been falsely implicated in this case. There is no recovery of any arms etc. from the possession of the petitioner except one mobile phone. As per the prosecution case, petitioner was present in the house of Dinesh Yadav, therefore, he has been implicated in this case. The mandatory provisions of search and seizure as provided under Section 105 of BNSS have not been complied with by the prosecution. It is also pointed out that co-accused Durgesh Upadhyay who was apprehended along with the petitioner has been granted bail by a Co-ordinate Bench of this Court vide order dated 03.12.2025 passed in Cr. Misc. No. 83328 of 2025.



The petitioner has criminal history of one case in which he is on bail. Lastly, it is submitted that petitioner is languishing in jail since 03.08.2025 and in case he is released on bail, he will not misuse the liberty of bail and cooperate with the trial.

5. Per contra, learned Additional Public Prosecutor for the State opposed the prayer for bail of the petitioner reiterating the prosecution case as mentioned in F.I.R.

6. Having heard the submissions of learned counsel for the parties and perused the record, I find that it is not in dispute that there is no recovery of any incriminating material from the possession of the petitioner and co-accused Durgesh Upadhyaya under similar accusation has been granted bail by the co-ordinate bench of this Court as noted above. After investigation, charge sheet has been submitted in the matter. Now there is no possibility of tampering the witnesses. Due to heavy docket of the cases, the possibility of conclusion of trial in near future is very bleak. There is no chance of the petitioner, of fleeing away from the judicial process or tampering with the prosecution evidence. As on date there is no material on record to presume that there is danger, of course, of justice being thwarted by grant of bail to the petitioner.

7. In view of the above, without going into the merit of



the case, keeping in view the nature of the offence, evidence, severity of punishment, complicity of the petitioner, submissions of the learned counsel for the parties and reasons as noted above, this Court is of the opinion that the petitioner is entitled to be released on bail.

8. Accordingly, the bail application of the petitioner stands allowed.

9. Let the above named petitioner be released on bail in the above case on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the concerned court below with the following conditions:-

(i) That the petitioner shall cooperate in the expeditious disposal of the trial and shall regularly attend the court unless inevitable.

(ii) That the petitioner shall not directly or indirectly involve in any criminal activity.

10. In case of breach of above conditions by the petitioner, it will be open for the prosecution to move bail cancellation application before the Court concerned.

11. It is clarified that anything said in this order is limited to the purpose of determination of this bail application and will



in no way be construed as an expression on the merits of the case. The trial court shall be absolutely free to arrive at its independent conclusions on the basis of evidence led unaffected by anything said in this order.

12. The trial Court shall make an endeavour to conclude the trial of the petitioner expeditiously without granting unnecessary adjournment to either of the parties.

(Sanjay Kumar Singh , J)

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