

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80336 of 2025

Arising Out of PS. Case No.-445 Year-2013 Thana- HAJIPUR SADAR District- Vaishali

Anil Baitha Son of Jaleshwar Baitha Resident Of Village- Gopalpur PO-
Purkhoul PS- Vaishali Distt -Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajeev Ranjan

For the Opposite Party/s : Mr.Binod Kumar

CORAM: HONOURABLE MR. JUSTICE S. B. PD. SINGH

ORAL ORDER

3 17-01-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Hajipur Sadar P.S. Case No. 445 of 2013 registered for the offences punishable under Sections 25(1-b)a, 26 and 35 of the Arms Act, Section 13 of the Unlawful Activities (prevention) Act and Section 17 of CL Act.

3. As per the prosecution story, the informant has alleged that on receiving a confidential information on 29.12.2013, regarding the presence of active Maoist/Naxalite members at village Qazipur with intent to commit a major incident, a special raiding team was constituted. At about 02:00 hrs on 29.12.2013, a raid was conducted at the house of Lakhindra Paswan. During the raid, some persons fled away by



taking the benefits of the darkness, and Lakhindra Paswan was apprehended. On interrogation, he disclosed that he was an active member of the banned Maoist Naxalite organization and admitted that illegal arms and ammunition were concealed in his house. On his disclosure, a search was conducted and one country-made double-barrel gun, three 12-bore country-made guns, two country-made pistols, five 12-bore cartridges, five 7.62-mm cartridges, and five 3.15-mm cartridges, all live, were recovered from his house and seized in the presence of witnesses after preparation of a seizure list. A black Nokia mobile phone with SIM No. 8873344398 was also recovered from his possession. Lakhindra Paswan failed to produce any valid license for the recovered arms and stated that the weapons were jointly collected and used by him and his associates.

4. Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in the present case, as no incriminating article has been recovered from his conscious possession. It is further submitted that the petitioner's name surfaced solely on the basis of the confessional statement of co-accused Lakhindra Paswan made before the police, which has no evidentiary value in the eye of law. The petitioner has been dragged this case due to local



village politics. Learned counsel further submits that the trial has commenced and four prosecution witnesses have already been examined, none of whom have supported the prosecution case or the alleged involvement of the petitioner. It is also submitted that after closure of the prosecution evidence, the prosecution's petition under Section 311 Cr.P.C. has been allowed, and the evidence has been reopened.

5. Learned A.P.P. appearing on behalf of the State has vehemently opposed the prayer for bail of the petitioner.

6. After going thorough the entire evidence of PW Nos. 1, 2, 3 and 4, it appears that none have supported the involvement of the petitioner in the instant case and nothing has been recovered from his conscious possession.

7. Keeping in view the aforesaid facts and considering the period under custody, let the petitioner, above named, be released on bail **after framing of charge** on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned District and Additional Sessions Judge-14, Vaishali at Hajipur in connection with Hajipur Sadar P.S. Case No. 445 of 2013 subject to the following conditions :-

(i). Petitioner will remain physically present in trial on each and every date till the disposal of the case failing which, on



two consecutive dates without reasonable cause, the bail bond of the petitioner may be cancelled by the Trial Court.

(ii). One of the bailor shall be his family member.

(S. B. Pd. Singh, J)

Ankit Kumar/-

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