

In the Court of Additional District & Sessions Judge – VIII, Jehanabad
Session Trial No. 268 of 2021
State V/s Rameshwar Prasad
Barabar Paryatan (Bishunganj O.P) P.S Case No. 07/2020

05.04.2022

Bail petition dated 23.03.2022 filed on behalf of accused namely Rameshwar Prasad @ Rameshwar Prasad @ Rakesh was S/o late Rambrat Prasad pressed by the Id. Laywer for the petitioner and it has been submitted that regular bail petition of this accused has been rejected twice by the Hon'ble High Court, Patna vide Criminal Miscellaneous No. 2313/2021 and 47844/2021 and thereafter this petitioner has not filed any bail petition before this court or before Hon'ble High Court, Patna. Prosecution story is that Vikash Kumar S.I Bishunganj O.P got information that some member of naxalite organisation are travelling on a tempo and thereafter informant with other police personnel started checking near Kazibigha and during that this petitioner along with two other were arrested and 50 live cartridges , a countrymade carbine along with some naxalite literature was seized from the possession of this accused. Besides that countrymade pistols was recovered from other accused persons. But this petitioner is innocent and he is in judicial custody in connection with this case since dated 10.02.2020. Besides that charges has been framed in this case on 23.11.2021 and prosecution has not examined any witness. Co-accused Sujit Kumar has been granted bail by the Hon'ble High Court Patna. Therefore, this petitioner may be enlarged on bail.

Ld. A.P.P opposed the prayer for bail.

It appears from the record that Barabar Paryatan P.S Bishunganj O.P 07/2020 has been instituted u/s 25 (1-B)/ A /26/ 35 Arms Act and Section 10/ 11/ 13 UAPA Act. On the basis of self-statement of Vikash Kumar who was the S.H.O of Bishunganj O.P on dated 09.02.2020. Informant has alleged that on dated 09.02.2020 he got tipoff that some members of naxalite organisation are travelling by a tempo in order to commit some big crime thereafter informant along with other police personnel started vehicle checking drive near Kazibigha canal and during that informant noticed that four persons travelling in a tempo started fleeing after parking the tempo. Thereafter informant with the help of other police personnel arrested three persons who disclosed their names as 1.Rameshwar Prasad @ Rameshwar Prasad @ Rakesh Sao, 2. Sujit Kumar and 3. Anish Kumar and disclosed that 4th person was Santosh Kumar @ Sonu who is owner of tempo no. BR-25BA-1023. Informant has also alleged that this accused Rameshwar Prasad was carrying red bag from which 50 live cartridges and one countrymade carbine and some naxalite literature was recovered.

from aforesaid bag. Informant has also alleged that countrymade pistols was recovered from other persons. It further appears from the record that after investigation charge-sheet has been submitted against this accused u/s 25 (1-B)/ A /26/ 35 Arms Act and Section 10/ 11/ 13 UAPA Act and thereafter this case is pending in this ^{court} ~~case~~ for trial and charges has been framed against this accused and other accused on dated 23.11.2021 and prosecution has examined one witness in this case so far who has supported allegations against this accused in his statement before the court. Besides that it appears from the record that regular bail prayer of this petitioner has been rejected by the Hon'ble High Court Patna vide Criminal Miscellaneous No. 2313/2021 order dated 12.04.2021 and Criminal Miscellaneous No. 47884 /2021 order dated 01/12/2021.

Therefore, considering aforesaid facts and circumstances, I am not inclined to grant bail to this petitioner. Accordingly instant bail petition is hereby rejected.

(Dictated)

gt/05/11/22

Addl. S.J - VIII