

(2012) 09 JH CK 0085

Jharkhand High Court

Case No: B.A. No. 4687 of 2012

Bablu @ Bablu Paswan @
Nageshwar Paswan

APPELLANT

Vs

The State of Jharkhand

RESPONDENT

Date of Decision: Sept. 12, 2012

Acts Referred:

- Arms Act, 1959 - Section 25(1B)(a), 26, 27, 35
- Penal Code, 1860 (IPC) - Section 307, 34, 353, 414

Hon'ble Judges: Harish Chandra Mishra, J

Bench: Single Bench

Advocate: Dilip Kumar Prasad, for the Appellant; Amresh Kumar, Assistant Public
Prosecutor, for the Respondent

Judgement

H.C. Mishra

1. Heard Learned Counsel for the petitioner and learned A.P.P. for the Prosecution. The petitioner has been made accused for the offences under Sections 353, 307, 414, 34 of the Indian Penal Code and Section 25 (1-B) (a), 26, 27 and 35 of the Arms Act, in connection with S.T. No. 177 of 2011 arising out of Simdega P.S. Case No. 97 of 2003 corresponding to G.R. No. 247 of 2003.

2. The case was instituted on the basis of self-statement of a police officer, who has stated that on getting information that one doctor was abducted by the culprits, chase was made and it appears that there was some exchange of fire between the police personnel and the accused persons and the said doctor was recovered. It appears from the F.I.R. that recovered doctor had taken the name of the petitioner to be one of accused persons. The petitioner, however, was not apprehended at the spot.

3. Learned Counsel for the petitioner has submitted that for abduction of the said doctor, another case had been lodged against the petitioner, in which, the petitioner was put to trial and he was acquitted of the trial. The judgment of the acquittal has been brought on record as Annexure-2 to this supplementary affidavit. Learned Counsel has accordingly prayed for bail.

4. Learned A.P.P. for the State opposed the prayer for bail. In the facts of the case, particularly, in view of the fact that the petitioner was acquitted in the case relating to abduction of the said doctor, I am also inclined to enlarge the petitioner, Bablu @ Bablu Paswan @ Nageshwar Paswan, on bail in this case. Accordingly, the petitioner, named above, is directed to be released on bail, on furnishing bail bond of Rs. 10,000/- (ten thousand), with two sureties of the like amount each, to the satisfaction of learned Principal Sessions Judge, Simdega, in connection with S.T. No. 177 of 2011 arising out of Simdega P.S. Case No. 97 of 2003 corresponding to G.R. No. 247 of 2003 (S).