

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.39256 of 2015

Arising out of PS.Case No. -121 Year- 2015 Thana -HAJIPUR SADAR District-
VAISHALI(HAJIPUR)

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Jitendra Paswan @ Bahira, son of Late Ram Chandra Paswan, resident of
Village- Durga Colony, P.S. Sadar, District- Vaishali.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Ajay Kr. Thakur, Advocate.

For the Opposite Party : Mr. Uday Chandra Pd.(App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 04-11-2015 Heard learned counsel for the petitioner and learned
counsel for the State

The petitioner is languishing in custody since 15.03.2015
in connection with Hajipur Sadar P.S. Case No. 121 of 2015 for
the offences instituted under Sections 414 of the IPC and 25(1-
B)a, 26(ii), 35 of the Arms Act and ¾ of the Explosive Act.

The prosecution story, in brief, is that one Sunil Kumar,
the officer-in-charge, Hajipur Sadar Police, lodged his self
statement on 15.03.2015 at 5.30 alleging therein inter alia that in
the Town P.S. Case No. 157 of 2015, U/S 394, one accused
person, namely, Gariban Singh, was remanded and during enquiry
he has stated that Jitendra Paswan @ Bahira is involved in this

case and that information the police personnel proceeded from the police station for enquiry on 14.03.2015 at 23 O'clock for recovery of looted cash. Thereafter, the police personnel reached in the house of Bambam Rai. Thereafter, the house of Jitendra Paswan @ Baheri on 15.03.2015 was surrounded and nearby people, namely, Lagandeo Paswan and Shiv Pujan Paswan came there and in presence of witnesses, apprehended person disclosed his name as Jitendra Paswan @ Bahira and thereafter he was searched in person and during search from the left waist, one country made loaded pistol and live cartridge was recovered, detail of which are given in the FIR. The second apprehended person disclosed his name Dharmendra Kumar and from his possession, one live loaded rifle and one .315 cartridges were recovered and third apprehended accused person disclosed his name Chhotu Paswan and from his possession, one country made pistol and five live cartridges of .315 was recovered. From the house of Jitendra Paswan @ Bahira from Chhajja 40 live bombs kept in a bag were recovered and one Apache Motorcycle bearing Registration No. BR31K-0538, Chassis No. MD634KE66B2H59040 and Engine No. 0E6HB2107556 was recovered. Thereafter, the accused persons were asked to produce the valid document but no document was produced and

accordingly the seizure list was prepared following the norms of seizure.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 15.03.2015 and the charge sheet has been submitted in the case. There is no allegation of tampering with the evidence against the petitioner. Vide order dated 31.08.2015, a report from the S.P., Vaishali, was called for whether the bombs which were seized from the house of the petitioner was sent to explosive expert or defused. A report has been received alongwith the case diary which indicates that no such step was taken on the part of the I.O. and for which a disciplinary proceeding has been initiated against the I.O. As per FIR, one country made pistol alongwith 25 live cartridges and 40 bombs are said to have been recovered from possession of the petitioner. It has further been submitted that the petitioner may be released after completion of one year in custody from 15.03.2015.

On behalf of the State it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, it is directed that the petitioner above named may be released after completion of one year in custody from 15.03.2015 on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the

like amount each to the satisfaction of the learned C.J.M., Vaishali
at Hajipur in connection with Hajipur Sadar P.S. Case No. 121 of
2015.

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(Sudhir Singh, J)