

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24129 of 2016

Arising Out of PS.Case No. -96 Year- 2015 Thana -DARPA District-
EASTCHAMPARAN(MOTIHARI)

=====

1. Moti Lal Paswan Son of Girdhari Paswan Resident of Village- Bakhari
Police Station -Adapur District East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Shashi Bhushan Pandey

For the Opposite Party/s : Mr. Ajay Kr. Jha (App)

=====

**CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD
VERMA**

ORAL ORDER

2 01-06-2016

Heard the parties.

The petitioner seeks bail in a criminal prosecution registered under Sections 399, 400, 402, 414 of the Indian Penal Code as also under sections 25(1-B)(a), 26 and 35 of the Arms Act.

Though, the petitioner, besides others, is named in the first information report vide Annexure-1 as an accused and there is allegation of recovery of one country made pistol and three live cartridges, but taking into consideration the period of incarceration already undergone by him since 28.12.2015 and also taking into consideration that the charge-sheet has already been submitted against him, this Court is inclined to accede to the prayer made on behalf of the petitioner for grant of bail.

Let the above named petitioner be released on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Sub-divisional Judicial Magistrate,

Raxaul, East Champaran at Motihari in connection with Darpa
P.S. Case No. 96 of 2015 subject to the conditions that :

(A) one of the bailors must be a government servant or close family members of the petitioner who will file an affidavit in the court below showing his/her relationship with the petitioner,

(B) if the petitioner is found involved in same and similar nature of cases in future, then in that case, the informant/prosecution shall be at liberty to file a petition for cancellation of bail bond of the petitioner, and if such a petition is filed, the court below would be obliged to dispose of the same in accordance with law after giving an opportunity of hearing to all concerned, and

(C) the petitioner shall make regular pairvi in the court below in the present case either by appearing himself in person or through representation by his lawyer on each and every dates, and if on two consecutive dates petitioner fails to make pairvi, then the court below shall be at liberty to cancel the bail bond of the petitioner.

(Birendra Prasad Verma, J)

Amin/-

U			
---	--	--	--