

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40244 of 2017

Arising Out of PS.Case No. -56 Year- 2017 Thana -BHAGWANPUR District- BHABHUA
(KAIMUR)

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1. Jangbahadur Paswan Son of Gulab Paswan, R/o Village- Tori, P.S. and
P.O.- Bhagwanpur, District-Kaimur (Bhabua).

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar

For the Opposite Party/s : Mr. Sri Ramchandra Sahani

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 02-11-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
24.04.2017 in connection with Bhagwanpur (Belaon) P.S. Case
No. 56 of 2017 for offences punishable under Sections 25(1-b)a,
26, 35 of the Arms Act.

The prosecution case, as lodged by the Police
personnel, is that on patrolling duty, they got secret information
that three persons are going on the motorcycle to attend the
marriage, were carrying fire arms, the police intercepted them
including the petitioner and from the possession of the petitioner
one country made pistol and two live cartridges were recovered
and from possession of other two accused persons also fire arms



were recovered and accordingly, a seizure list was prepared.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal antecedent. It is submitted that on similar allegation another co-accused Prem Prakash Singh has been granted privilege of bail by a co-ordinate Bench of this Court in Criminal Miscellaneous No. 32004 of 2017 on 13.07.2017. Charge-sheet has already been submitted and there is no chance of tampering with the prosecution witnesses by the petitioner.

However, learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged 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 Additional Chief Judicial Magistrate-5 Kaimur at Bhabhua in connection with Bhagwanpur (Belaon) P.S. Case No. 56 of 2017 subject to the condition:

- (i) That one of the bailors shall be a close relative of the petitioner
- (ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.



- (iii) That the petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.
- (iv) The petitioner shall cooperate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Nilu Agrawal, J)

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