

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.27515 of 2017**

Arising Out of PS.Case No. -11 Year- 2005 Thana -BARHARA District- BHOJPUR

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Sunil Paswan Son of Lte Suraj Paswan, Resident of Village- Babura, P.S.-  
Barhara, District- Bhojpur (Ara).

.... .... Petitioner

Versus

The State of Bihar

.... .... Opposite Party

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**Appearance :**

For the Petitioner/s : Mr. Manoj Kumar, Advocate

For the Opposite Party/s : None.

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD**  
**ORAL ORDER**

**2. 01-07-2017**

Heard learned counsel for the petitioner. No

one appears on behalf of the State.

Petitioner, in the present case, is seeking regular bail in connection with Barhara P.S. Case No. 11 of 2005, registered for the offence punishable under Sections 25 (1-B)/26 of the Arms Act.

Learned counsel for the petitioner refers the First Information Report and submitted that in fact the present case has been lodged on the allegation that while the police party had gone to search in connection with Barhara P.S. Case No. 152/2004, the petitioner fled away taking benefit of darkness and the dense population. However, on search of his house, in presence of his mother, one country made pistol and four live



cartridges were recovered/seized.

Learned counsel for the petitioner further submits that the petitioner is on bail in Barhara P.S. Case No. 152/2004, however, he has been falsely implicated in the present case, as there is no recovery from his conscious possession.

Learned counsel for the petitioner submits that alleged seizure is in complete violation of the provisions as contained in the Code of Criminal Procedure because as per the fardbeyan itself, the police party said to have reached the house during night hours about 3.15 AM. The seizure is also in violation of Section 100 Cr.P.C. Petitioner is in custody since 26.02.2017.

Considering the facts and circumstances particularly that the alleged seizure is said to have been made from the house in presence of his mother, though allegation is that he fled away, and that petitioner is in custody since 26.02.2017, let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Additional



Chief Judicial Magistrate, Bhojpur, Ara, in connection with Barhara P.S. Case No. 11 of 2005, subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure.

**(Rajeev Ranjan Prasad, J.)**

Rajeev/-

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