

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34647 of 2017

Arising Out of PS.Case No. -73 Year- 1995 Thana -DARBHANGA SADAR District-
DARBHANGA

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Shyam Kumar Paswan Son of Binda Paswan, R/o Village/ Mohalla-
Katahalbari, P.S.- Lalit Narayan Mithila University, District- Darbhanga.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Prasad, Advocate

For the Opposite Party/s : Mr. Damodar Prasad Tiwary, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 10-08-2017 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

Petitioner is languishing in judicial custody since
30.03.2017 in connection with Darbhanga Sadar P.S. Case No. 73
of 1995, G.R. No. 785 of 1995, T.R. No. 1243 of 2017 registered
for the offence punishable under Sections 25(1)B,26 and 35 of the
Arms Act.

The prosecution case, as lodged by the police
personnel, is that on a secret information, they reached at the place
of occurrence and apprehended the petitioner with one country
made pistol and three live cartridges.

It has been submitted by the learned counsel for the
petitioner that this is a case of misuse of privilege of bail, which



was not deliberate. He submits that bail was granted earlier to the petitioner who had gone out for earning his livelihood, but his pairvikar did not make pairvi in the case, as a result of which, his bail bond was cancelled on 15.10.2008 of which he had no knowledge. He submits that he has surrendered on 30.03.2017 and is ready to abide by any condition and will appear before the learned Court below till disposal of the trial.

However, learned A.P.P. for the State opposes the prayer for bail stating therein that the petitioner was declared absconder, as such, unnecessarily delayed the disposal of the trial.

Considering the facts and circumstances and the undertaking of the petitioner, let the petitioner above named be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-IX, Darbhanga in connection with Darbhanga Sadar P.S. Case No. 73 of 1995, G.R. No. 785 of 1995, T.R. No. 1243 of 2017, subject to the condition that one of the bailors would be a close relative of the petitioner, who would file an affidavit stating his relationship with the petitioner and that petitioner will appear before the learned Court below on each and every date and cooperate with the trial and failure to appear before the learned Court below on



two consecutive dates without assigning any reason will entail
cancellation of his bail bonds.

(Nilu Agrawal, J.)

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