

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6496 of 2018

Arising Out of PS. Case No. -103 Year- 2017 Thana -BACHHWARA District- BEGUSARAI

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Rakesh Paswan, Son of Late Bodhan Paswan, Resident of Village-
Maranchi Khurd, P.S.- Bachhwara, District- Begusarai.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Raj Kumar Sinha, Advocate

For the Opposite Party: APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 09-02-2018 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is in custody since 31.07.2017 in connection with Bachhwara P.S. Case No. 103 of 2017 for the offences alleged under Section 414 of the Indian Penal Code and Sections 25(1-b)a, 26 and 35 of the Arms Act.

3. It is submitted that the petitioner has been falsely implicated merely on suspicion and on the basis of the extra-judicial confession of co-accused Puja Devi alias Sarita Devi from whose possession a country made pistol was recovered and she named the petitioner along with co-accused Tuntun Paswan, who happened to be the brother-in-law and husband, respectively. Nothing incriminating has been recovered from the possession of the petitioner and as such, the ingredients of the offence under section 414 of the IPC or under the Arms Act are not applicable in the case of the petitioner.

4. Learned APP for the State opposes the bail petition submitting that the petitioner has several criminal antecedents.

5. Be that as it may, having regard to the entirety of the facts and circumstances of the case and having regard to the



period of custody of the above named petitioner since 31.07.2017, let him be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate VI, Begusarai in connection with Bachhwara P.S. Case No. 103 of 2017, on the following conditions:-

(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.

(Vikash Jain, J)

B.T/Chandran

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