

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.13421 of 2019**

Arising Out of PS. Case No.-356 Year-2018 Thana- MALSALAMI District- Patna

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SUKENDRA PASWAN, aged about 40 years, Male, Son of Praduman Paswan @ Padum Paswan, R/o village- Mokhtarpur (Ramnagar) , P.S- Khudwa, District- Aurangabad ... Petitioner

Versus

The State of Bihar ... Opposite Party

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**Appearance :**

For the Petitioner : Mr. Bachan Jee Ojha, Adv.

For the Opposite Party : Mr. Nawal Kishore Prasad, APP

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**CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL  
ORAL ORDER**

2      07-03-2019                      Heard the learned counsel for the petitioner and the learned counsel appearing for the State.

The petitioner is languishing in judicial custody since 15.10.2018 in connection with Malsalami (Patna) P.S. Case No. 356 of 2018 for the offences alleged under Sections 25(1-b), 9, 26 and 35 of the Arms Act and under Sections 3 and 4 of the Explosive Substances Act.

The prosecution case, as lodged by the police personnel, is that on confessional statement of co-accused, Gulshan Kumar, in another case, the house of one Sushila Devi was raided. Five persons, including the petitioner, was apprehended. From the possession of other accused country made pistol and live cartridge was recovered. From the possession of the petitioner, three live cartridges were recovered



and five bombs were found in the room in a bag at the corner where the petitioner and four other co-accused were apprehended. Accordingly, a seizure list was prepared.

It has been submitted by the learned counsel for the petitioner that he is innocent and has been falsely implicated in the aforesaid case. He submits that no overt-act has been committed by him and he is languishing in judicial custody since nearly five months, charge sheet has already been submitted, there being no allegation of tampering with the prosecution witnesses. He, further, submits that on the confession of Gulshan Kumar, before the police which has no evidentiary value in the eye of law, the petitioner has been made accused in two other cases only on suspicion.

However, the learned Additional Public Prosecutor for the State opposes the prayer for bail.

Considering the facts and circumstances, nature of allegations, period of custody and that charge sheet has already been submitted, let the petitioner, above named be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with Malsalami (Patna) P.S. Case No. 356 of 2018 to the satisfaction of the learned Additional Chief Judicial



Magistrate, IV, Patna City, Patna, subject to the following conditions :

(i) One of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.

(ii) Petitioner will appear before the learned Court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(iii) If the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the learned Court below for cancellation of his bail bonds.

**(Nilu Agrawal, J)**

Shamshad/-

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