

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14385 of 2019

Arising Out of PS. Case No.-71 Year-2018 Thana- KHARHAGPUR District- Munger

RAJA RAM PASWAN, aged about 32 years, Male, Son of Late Arjun Paswan, Resident of Village-Bilia, P.S.-Kharagpur (Shampur) District-Munger ... Petitioner

Versus

The State of Bihar ... Opposite Party

Appearance :

For the Petitioner : Mr. Ajit Kumar Singh, Adv.
For the Opposite Party : Mr. Atul Chandra, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 12-03-2019 Heard the learned counsel for the petitioner and the learned counsel appearing for the State.

The petitioner is languishing in judicial custody since 23.09.2018 in connection with Sessions Trial No. 371 of 2018 arising out of Kharagpur (Shampur) P.S. Case No. 71 of 2018 for the offences alleged under Sections 25(1-A), 25(1-AA), 25(1-B)AC, 26(ii) and 35 of the Arms Act.

The prosecution case, as lodged by the police personnel, is that on secret information that in Jal Kund mountain some persons are manufacturing illegal arms, the police conducted a raid and recovered number of articles used in making of arms, thereafter, raid was conducted in the house of the petitioner, where three semi finished country made pistol, one country made pistol, three live cartridges, one double barrel gun, one rifle and one musket was recovered. Accordingly, two



seizure lists were prepared.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history and has been falsely implicated in the aforesaid case. He submits that the house from where the incriminating articles were recovered petitioner was neither apprehended from the Jal Kund mountain nor from his house and the house is a joint family property, hence, the petitioner could not be alleged to have personally stored the arms and ammunitions. It is, further, submitted by the counsel for the petitioner that there is no compliance of Section 100 of the Criminal Procedure Code as seizure of arms and ammunitions was made from the house of the petitioner and does not bear the signature of any independent witnesses. Petitioner, further, undertakes to cooperate in the trial on day-to-day basis and is languishing in judicial custody since nearly six months.

However, the learned Additional Public Prosecutor for the State opposes the prayer for bail stating therein that although the petitioner has a clean antecedent, but, huge quantity of arms and ammunitions were recovered from the house of the petitioner.

Considering the facts and circumstances and the



materials on record, 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 Sessions Trial No. 371 of 2018 arising out of Kharagpur (Shampur) P.S. Case No. 71 of 2018 to the satisfaction of the learned Sessions Judge, Munger, 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/-

U		T	
---	--	---	--

