

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.15461 of 2019

Arising Out of PS. Case No.-199 Year-2018 Thana- HULASGANJ District- Jehanabad

1. AZAD PASWAN, Male, aged about 48 years, Son of Sarju Paswan, Resident of Village- Baigani, P.S.- Hulasganj, District- Jehanabad
2. Laukesh Paswan @ Lokesh Paswan, Male, aged about 45 years, Son of Chandradeep Paswan, Resident of Village- Baigani, P.S.- Hulasganj, District- Jehanabad

... Petitioners

Versus

The State of Bihar

... Opposite Party

Appearance :

For the Petitioners : Mr. Arun Kumar, Adv.

For the Opposite Party : Mr. Anil Kumar Singh No. 1, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL ORDER

2 15-03-2019 Heard the learned counsel for the petitioners and the learned counsel appearing for the State.

The petitioners are languishing in judicial custody since 22.10.2018 in connection with Hulasganj P.S. Case No. 199 of 2018 for the offences alleged under Sections 25(1-B)a, 26 and 35 of the Arms Act.

The prosecution case, as lodged by the police personnel, is that on secret information that some persons are carrying arms, the petitioners, who were coming in the motorcycle, were apprehended. On search, from the possession of petitioner no. 1, one country made pistol and one live cartridge was recovered and from the possession of petitioner no. 2, two live cartridges were recovered. Accordingly, a seizure list was prepared.

It has been submitted by the learned counsel for the petitioners that they are innocent, bear no criminal history, were



going to a relative place and the arms and ammunitions have been implanted. He submits that charge sheet has already been submitted, there being no allegation of tampering with the prosecution witnesses and the petitioners are languishing in judicial custody since nearly five months.

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

Considering the facts and circumstances, the nature of allegation, the period of custody and that charge sheet has already been submitted, let the petitioners, above named, be released on bail on furnishing bail bonds of Rs.10,000/- (rupees ten thousand) each with two sureties of the like amount each in connection with Hulasganj P.S. Case No. 199 of 2018 to the satisfaction of the learned Subdivisional Judicial Magistrate, Jehanabad, subject to the condition that one of the bailors of each of the petitioners would be a close relative having sufficient immovable property, who will file an affidavit stating his/their relationship(s) with the petitioner(s).

(Nilu Agrawal, J)

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