

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.19840 of 2019**

Arising Out of PS. Case No.-240 Year-2018 Thana- GOPALPUR District-  
Patna

=====

Rakesh Paswan aged about 40 years, male, Son of Sajindra Paswan  
Resident of Village - Hajipur, P.S.- Fatuha, District- Patna

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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**Appearance :**

For the Petitioner : Mr. Arvind Kumar, Advocate.

For the Opposite Party: APP

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**CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN**

ORAL ORDER

2      04-04-2019                      Heard learned counsel for the petitioner and learned  
APP for the State.

2. The petitioner apprehends his arrest for the offences  
alleged under Sections 25(1-B) (A) and 35 of the Arms Act  
registered in connection with Gopalpur P.S. Case No. 240 of 2018.

3. It is submitted that the petitioner has been falsely  
implicated and even according to the F.I.R. no recovery of any  
arms has been made from the petitioner and as such the offence  
alleged under the Arms Act are not made out against the  
petitioner who is said to be the order giver. The present F.I.R. has  
been filed in retaliation to the earlier F.I.R vide Fatuha P.S. Case  
No. 458 of 2018 (Annexure-2). The petitioner claims clean  
antecedents.

4. Be that as it may, in the event of the petitioner's  
arrest or surrender before the court below within six weeks from  
the date of communication of this order, let the above named  
petitioner 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 Sub-Judge IX cum Additional Chief Judicial Magistrate, Patna in connection with Gopalpur P.S. Case No. 240 of 2018, subject to the conditions as laid down under Section 438 (2) Cr.P.C., and also subject to the following further 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 cooperate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(iv) 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)**

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