

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25670 of 2019

Arising Out of PS. Case No.-413 Year-2018 Thana- BARAUNI District- Begusarai

MINTU KUMAR @ GACHIYA PASWAN @ MINTU KUWAR, aged about
32 years, Male, Son of Banarasi Paswan Resident of Village-Gachhi Tola, P.S-
Town Begusarai, District-Begusarai ... Petitioner

Versus

THE STATE OF BIHAR ... Opposite Party

Appearance :

For the Petitioner : Mr. Jai Prakash Singh, Adv.
For the Opposite Party : Mr. Sunil Kumar Pandey, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 29-04-2019 Heard the learned counsel for the petitioner and the
learned Additional Public Prosecutor appearing for the State.

The petitioner is languishing in judicial custody since
25.08.2018 in connection with Barauni (Refinery) P.S. Case No.
413 of 2018 for the offences alleged under Sections 399 and 402
of the Indian Penal Code and under Sections 25(1-B)a, 26(i)(ii)
and 35 of the Arms Act.

The prosecution case, as lodged by the police
personnel, is that on secret information that five miscreants are
planning to commit dacoity, the police conducted a raid and
apprehended three persons, including the petitioner, while two
managed to flee away, whose names were revealed by the
apprehended co-accused. It has been alleged in the first
information report that apprehended persons, including the
petitioner were found with arms and ammunitions. Specific



allegation upon the petitioner in the first information report is that one country made pistol with one live cartridge was recovered from his possession, but, in the seizure list there is no such mention of any arms and ammunitions having been seized.

Learned counsel for the petitioner submits that he is innocent, nothing has been recovered from his conscious possession, there is a contradiction in the first information report and the seizure list as in the seizure list there is no mention of recovery of any arms and ammunitions. He, further, submits that charge sheet has already been submitted and no overt-act has been alleged against the petitioner.

However, the learned Additional Public Prosecutor for the State opposes the prayer for bail stating therein that the petitioner does not bear a clean antecedent and four more cases are pending against him. Although it has been submitted by the learned counsel for the petitioner that those are of different nature and that the petitioner is on bail on all the said four cases.

Considering the nature of allegations and the materials on record as well as that charge sheet has already been submitted and there is contradiction in the allegation made in the first information report and not corroborated in the seizure list, 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 Barauni (Refinery) P.S. Case No. 413 of 2018 to the satisfaction of the learned Chief Judicial Magistrate, Begusarai, or the successor Court, 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.

(Nilu Agrawal, J)

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