

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.19036 of 2020**

Arising Out of PS. Case No.-112 Year-2019 Thana- DANDARI District- Begusarai

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SUDHIR PASWAN, Son of Khakhar Paswan @ Khakakhar Paswan, Resident  
of Village - Rajopur, P.S. - Dandari, District - Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Rai Mukesh Sharma, Adv.

For the Opposite Party/s : Mr. Umeshanand Pandit, APP

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**

ORAL ORDER

3      15-06-2020                      Heard learned counsel for the petitioner and learned  
APP for the State.

The matter has been taken up through virtual Court  
proceeding.

The petitioner has preferred the present application for  
grant of bail in a case registered for the offences punishable  
under Sections 25(1-B)a and 26 of the Arms Act and Sections  
37(b) (c) of the Bihar Prohibition and Excise Act, 2016, as  
amended by the Amendment Act 8 of 2018.

The prosecution case as per the self statement of



Kaushlendra Kumar, S.I.-cum-S.H.O., Dandari Police Station recorded on 14.10.2019 is to the effect that on 13.10.2019 at 12.20 A.M. during patrolling, an information was received that one Bambam Kumar was selling some food item. It is alleged that the petitioner took some food items but he refused to make payment and on being asked for money, the petitioner, in inebriated condition, fired on Bambam Kumar causing injury. Subsequently, the police was informed and on arrival of police, the petitioner was apprehended in inebriated condition and along with a country made pistol and one live cartridge were also recovered from the possession of the petitioner.

From the pleadings it appears that there is no injury report on record to corroborate the accusation of firing and causing injury to the Bambam Kumar. The case diary also does not contain any injury report. The petitioner is languishing in custody since 14.10.2019 and the investigation has already been concluded. A statement has been made in paragraph no.3 of the petition that apart from the present case, the petitioner is accused in four other cases, but in three out of four cases, he is on bail and in one case, he has been acquitted.

Learned APP for the State submits that the petitioner has serious criminal antecedent and he caused firearm injury to



Bambam Kumar in inebriated condition.

Considering the fact that no injury report is on record to corroborate the injury caused to the victim, the investigation already being concluded, let the petitioner above named be released on bail for the present provisionally for a period of three months on furnishing one surety to the satisfaction of the learned Special Judge Excise Act, Civil Court, Begusarai, in connection with Dandari P.S. Case No. 112 of 2019.

However, in view of the present pandemic, COVID-19, it will be open for the learned Court below to accept the bail bond on furnishing an undertaking by the surety, on photo copy of his Aadhar Card, to the effect that he is ready to become the bailor of the petitioner which may be transmitted by such surety to the learned Court concerned through e-mode.

The provisional bail of the petitioner will be confirmed by the learned Court below within three months on furnishing bail bond of Rs.10000/- (ten thousand) with two sureties, including one surety given at the time of provisional bail, of the like amount each to the satisfaction of the learned Special Judge Excise Act, Civil Court, Begusarai, in connection with Dandari P.S. Case No. 112 of 2019.

However, in view of the serious criminal antecedent of



the petitioner, the learned Court below is at liberty to cancel the bail bonds of the petitioner if he defaults for three consecutive occasions.

The learned Court below will further be at liberty to extend the period of provisional bail further if the court proceeding in physical mode will not resume in next three months.

**(Dinesh Kumar Singh, J)**

Ashwini/-

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