

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3071 of 2020**

Arising Out of PS. Case No.-149 Year-2019 Thana- CHERIYA BARIYARPUR District-
Begusarai

=====

FANTUSH PASWAN @ RAJNISH PASWAN S/o Naresh Paswan R/o
Village- Gopalpur, P.S.- Cheriabariyarpur, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Prem Kumar, Adv.

For the Opposite Party/s : Mr. Prem Kumar Jha

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

5 30-06-2020 The matter has been taken up through virtual Court
proceeding.

Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has preferred the present application
for grant of bail in a case registered for the offences punishable
under Sections 288, 504, 506 of the Indian Penal Code, 1860
and Section 27 of the Arms Act, 1959.

The prosecution case as per the fardbeyan of Chawkidar,
Suresh Paswan recorded by Niraj Kumar Singh, S.I.-cum-
S.H.O., on 08.10.2019 at 12.30 P.M. is to the effect that on the
same day at 4.05 P.M., a drama was played at Gopalpur



Durgasthan, but as soon as, the drama was over, the petitioner came on the stage and resorted to fire. Thereafter, the President of the drama Committee informed about the incident to the police and from the stage, two used cartridges were recovered, leading to registration of the present case.

It is submitted by learned counsel for the petitioner that the the offences lodged under the I.P.C. are bailable and even assuming the accusation to be true, since recovery has not been made from the possession of the petitioner, hence, no case under the Arms Act is made out. The petitioner is languishing in custody since 9.10.2019 and the investigation has already been concluded. A statement has been made in paragraph no.3 of the petition that though the petitioner is accused in eight cases, but he has been granted bail in all those cases. Though he has been convicted in one case, but he has served the punishment in that case.

Learned APP for the State submits that the accusation is specific against the petitioner and he is having serious criminal antecedent.

Considering the rival submissions of the parties, in view of the fact that the investigation has already been concluded and there is no recovery from the possession of the



petitioner and the period under custody, 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 learned ACJM, Manjhaul, Begusarai, in connection with Cheriabariyarpur P.S. Case No.149 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 ACJM, Manjhaul, Begusarai, in connection with Cheriabariyarpur P.S. Case No.149 of 2019.

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.



In view of the 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.

(Dinesh Kumar Singh, J)

Ashwini/-

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

