

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12199 of 2021

Arising Out of PS. Case No.-628 Year-2020 Thana- FORBESGANJ District- Araria

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Bikash Paswan @ Vikas Kumar Paswan Son of Ashok Paswan Resident of
Village- Sangram Tola, Ward No. -9, Near Power House, Forbesganj, P.S.-
Forbesganj, District- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ramesh Kumar Singh

For the Opposite Party/s : Mr.Dinesh Singh,APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2. 28-06-2021 Heard learned counsel for the parties through video
conferencing.

The petitioner seeks bail in Forbesganj P.S. Case No.
628 of 2020, registered for the offence under Sections 399, 402
& 307 of the Indian Penal Code and Sections 25(a)(1A)(1AA)
(1B)ab, 26(1)(2)/35 of the Arms Act.

As per the prosecution case, on the disclosure made
by this petitioner and other accused persons, a raid was
conducted and one pistol, one fired cartridge and one picket
(गोली का अग्र भाग) were recovered.

It is submitted on behalf of petitioner that neither the
pistol nor any arms or ammunition was recovered from the
possession of the petitioner. On perusal of FIR itself, it appears



that on the alleged date and time of occurrence, the petitioner and other accused were taking wine in the house of Saheli Murmu, where co-accused Md. Afrox brought the stolen pistol and accused Irshad @ Maichel fired upon the petitioner, which hit the left thigh of the petitioner and for the same occurrence, petitioner lodged a case, vide Forbesganj P.S. Case No. 627 of 2020 on 02.08.2020 (Annexure – 2). It is further submitted that the alleged pistol was recovered from bush on the basis of disclosure made by co-accused Md. Afroz and Md. Irshad @ Maichel near the office of Sub-Divisional Officer and no arms and ammunition were recovered from the possession or from the house of the petitioner. Petitioner has got clean antecedent and he is in custody since 04.08.2020.

Learned A.P.P. for the State has opposed the bail petition.

Considering the aforesaid facts & circumstances and the fact that no arms & ammunition have been recovered from the possession of petitioner couple with the fact that petitioner has got clean antecedent, the bail petition of petitioner is allowed. Let the above named petitioner be released on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned



Chief Judicial Magistrate, Araria in connection with Forbesganj
P.S. Case No. 628 of 2020, on the following conditions:

“(1) Petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court below and shall remain physically present, as directed by the court below, and on his absence on two consecutive dates without sufficient reason, his bail-bond shall be cancelled by the court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.”

(Prabhat Kumar Singh, J.)

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