

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.13544 of 2021**

Arising Out of PS. Case No.-86 Year-2020 Thana- DELHA District- Gaya

ROHIT @ LOLO PASWAN @ SUNNY S/O SANJAY KUMAR @ PELE
PASWAN @ SANJAY PASWAN R/O MOHALLA-BANGLA ASTHAN,
PAHSI, P.S.-KOTWALI, DISTRICT-GAYA.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Priya Ranja, Advocate

For the Opposite Party/s : Ms. Anita Kumari Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

3 03-09-2021 Learned counsel for the petitioner undertakes to

remove all the defects pointed out by the Stamp Reporter within

four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Ms. Anita
Kumari Singh, learned APP for the State.

The petitioner in the present case is seeking regular
bail in connection Delha P.S. Case No. 86 of 2020 registered for
the offences punishable under Sections 25(1-b)a, 26 of the Arms
Act. He is in custody since 22.05.2020. He has got seven
criminal antecedents.

Learned counsel for the petitioner submits that so far
as the present case is concerned, it has been lodged by the
Officer Incharge of the Delha Police Station alleging that while

he was on patrolling he got an information that the named accused of Delha P.S. Case No. 69 of 2020 (the petitioner) is going to the house of injured Pankaj Kumar who has come back after his treatment and is at his house with an intention to pressurize him to compromise the case. On this information, the police reached near Bangla Asthan whereon seeing the police party the petitioner started fleeing away but he was caught and from his possession one pistol with two live cartridges were recovered.

Learned counsel submits that the petitioner has been involved in this case by the Officer Incharge whereas on the same allegation another case being Delha P.S. Case No. 85 of 2020 has been lodged by one Pratibha Devi.

Learned counsel further submits that out of seven cases, one case being Kotwali P.S. Case No. 495 of 2017 is not mentioned in paragraph '3' but he has filed a supplementary affidavit in this regard. The petitioner is on bail in five cases out of seven cases. He has applied for bail in Delha P.S. Case No. 69 of 2020 and Delha P.S. Case No. 85 of 2020 which are pending consideration.

Learned counsel submits that so far as the present case is concerned, he has been falsely implicated as he was not

found at the house of the injured, he is a local resident and his house is situated in the nearby Mohalla from where he has been arrested. It is his submission that the petitioner may be enlarged on bail on such terms and conditions which this Court thinks just and proper.

Learned APP for the State has opposed the prayer for regular bail of the petitioner alleging that he has got criminal antecedents.

Considering the facts and circumstances of the case and that the petitioner has remained in custody in connection with this case for over one year three months, this Court directs release of the petitioner on bail above named on furnishing of bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate VII, Gaya in connection Delha P.S. Case No. 86 of 2020, subject to the conditions as laid down under Section 437(3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the

name of verification.

And further condition that after his release henceforth he will mark his presence/attendance before the Station House Officer of Kotwali Police Station at Gaya once in every two months and shall provide his whereabouts and mobile number to the police station. If he would be required to go outside the jurisdiction of the police station the same will also be informed to the Office Incharge of the Police Station failing which the S.H.O. of Kotwali Police Station shall file an appropriate application in the court below for cancellation of bail of the petitioner.

A copy of this order shall be forwarded to the Superintendent of Police, Gaya for further action.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.