

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19936 of 2021

Arising Out of PS. Case No.-80 Year-2020 Thana- KARPI District- Jehanabad

Upendra Paswan S/O Bachchu Paswan R/O Village-Bedauli, P.S.-PALIGANJ,
District-Patna.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjay Kumar Singh, Adv.

For the Opposite Party/s : Mr. Nand Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 31-08-2021 Heard the parties through virtual court proceedings.

Learned counsel for the petitioner undertakes to remove the defects within three weeks of resumption of normal court proceeding. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioner seeks bail in a case registered for the offence punishable under Sections 25(1-b)a/26/27 of the Arms Act.

Acting on a secret information that one man after firing is being fled away at Imamganj and entered into the house at village Baghara on the roof of one house and firing indiscriminately. The police parties reached there and arrested the petitioner and one country made pistol and one empty cartridge is said to have been recovered from the possession of



the petitioner.

Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. He submits that nothing has been recovered from the conscious possession of the petitioner rather the alleged recovery has been planted by the police. He submits that the informant has stated in the FIR that the accused petitioner was made indiscriminate firing but from perusal of the seizure list, it is very much clear that one country made pistol and one empty cartridge was recovered on the place of occurrence which creates doubt about the prosecution story. He further submits that petitioner is languishing in judicial custody since 03.05.2020.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.20,000/- (rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Karapi P.S. Case No. 80 of 2020, subject to the conditions:

(1) that one of the bailors will be a close relative of the petitioner, who will give an affidavit giving genealogy as to



who he is related with the petitioner. He will also undertake to inform the court if there is any change in the address of the petitioner.

(II) that the petitioner will be well represented on each and every date fixed in the case and if he fails to do so on two consecutive dates his bail bonds shall be liable to be cancelled.

(III) that the petitioner will mark his attendance in the local police station in the first week of every month till conclusion of trial, failing which the prosecution will be at liberty to move cancellation of his bail bond.

(IV) that the bailor shall also stated on affidavit that he will inform the Court concerned if the petitioner is implicated in any other case of similar nature after his release in the present case and thereafter the Court below will be at liberty to initiate proceeding for cancellation of bail on the ground of misuse.

(Anjani Kumar Sharan, J)

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