

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.8823 of 2021**

Arising Out of PS. Case No.-714 Year-2020 Thana- AHİYAPUR District- Muzaffarpur

AKHILESH PASWAN @ AKHALESH KUMAR PASWAN S/o Janak
Paswan Resident of Nazirpur Bandh Road, P.S.- Ahiyapur, District-
Muzaffarpur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ravi Ranjan, Adv.

For the Opposite Party/s : Mr.Balmukund Prasad Sinha, APP

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

2 03-05-2021 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 learned
APP for the State.

The petitioner in the present case is seeking regular
bail in connection with Ahiyapur P.S. Case No. 714/2020
registered for the offences punishable under Sections 414 and
412 of the Indian Penal Code and Sections 25(1-b), 26 and 35 of
the Arms Act.

Learned counsel for the petitioner submits that in the
present case the allegation against the petitioner is that he was
arrested by the sub-inspector of Ahiyapur police station with a
loaded country made pistol and a cash of Rs.30,000/-. In



connection with the present case, he is in custody for more than eight months.

It is submitted that prior to the present case, the petitioner had no criminal antecedent but once arrested in the present case he has been made accused by adding his name in three other cases on the basis of the confessional statement of the co-accused in those cases.

Learned counsel for the petitioner submits that in fact family of this petitioner has got a land dispute with local MLA and because of the said land dispute at the instance of local MLA he is being made accused by falsely implicating him in some cases.

On the other hand, learned APP for the State has opposed the prayer for regular bail of the petitioner alleging that from possession of the petitioner a loaded country made pistol with two live cartridges have been recovered.

Having regard to the facts and circumstances of the case wherein in the present case the allegation is that of recovery of country made pistol with two live cartridges from possession of the petitioner but the petitioner has remained in jail in connection with the present case for over eight months, investigation against him is complete and at this stage there is



no submission on behalf of the State that release of the petitioner is likely to result in tampering with the evidence or interfering with the course of trial, this Court directs release of the petitioner above named on bail on furnishing bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned C.J.M., Muzaffarpur, in connection with Ahiyapur P.S. Case No. 714/2020, subject to the conditions as laid down under Section 437(3) Cr.P.C. as under:

(a) That such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) That such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which is suspected, and

(c) that such persons shall not directly or indirectly make and inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

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.

The application stands allowed.

(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'

