

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 14806 of 2021**

Arising Out of PS. Case No.-165 Year-2019 Thana- PUNAURA District- Sitamarhi

RAJU PASWAN S/O DUKHAT PASWAN @ DUKHIT PASWAN R/O
VILLAGE-RAMPUR PARORI, P.S-PUNAURA, DISTRICT-SITAMARHI.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Pushpendra Kumar Singh, Advocate
For the Opposite Party/s : Mr Anuj Kumar Shrivastava, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 21-08-2021 This case has been taken up for consideration today
through Video Conferencing.

Heard learned counsel for the petitioner and
learned Additional Public Prosecutor (for brevity, *APP*)
appearing for the State of Bihar.

The petitioner seeks bail in Panaura Police Station
(for brevity, *PS*) Case No 165 of 2019 dated 13.10.2019
instituted for the offence punishable under Sections 25 (1-b) a,
26, 35 of Arms Act.

Petitioner is accused in Panaura PS Case No 164 of
2019. It is the prosecution case that the police has proceeded to
arrest him. While, on way, they apprehended one person
coming on a motorcycle while the other has fled away. The



apprehended co-accused Mohan Kumar has disclosed the petitioner's name as being the person who fled away. From Mohan Kumar, there is recovery of firearm. He has been granted bail by this Court by order dated 28.02.2020 passed in Cr Misc No 11695 of 2020. From the petitioner, there is no recovery of any firearm or any incriminating article and he has not even been apprehended at the spot. However, he is in custody in this since his remand on 26.09.2020.

Learned APP has opposed the prayer for bail.

Considering the rival submissions as also the facts and circumstances of the case, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate VII, Sitamarhi in connection with Panaura PS Case No 165 of 2019 dated 13.10.2019 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor 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 date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

M.E.H./-

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