

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7617 of 2022

Arising Out of PS. Case No.-186 Year-2020 Thana- KANTI District- Muzaffarpur

KISHUN PASWAN @ KISHUN KUMAR S/o Chandardeep Paswan @
Chandip Paswan R/o Village Sirsiya, P.S. - Kanti, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mrityunjay Kumar
For the Opposite Party/s : Mr.APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 22-06-2022 The learned counsel for the petitioner is directed to
remove all the defects pointed out by the Stamp Reporter within
one month.

Heard learned counsel for the petitioner and the State.

Petitioner seeks regular bail in a case registered for
the offence punishable under sections 25(i-b)a/26 of the Arms
Act.

Allegedly, from conscious possession of the
petitioner, a loaded country made pistol with live bullet was
recovered.

The main submissions advanced by the learned
counsel for the petitioner are that there is only one criminal case
against the petitioner which does not relate to the offence under
the Arms Act in which he is on bail and petitioner has been



languishing in jail since 28.3.2020.

Learned APP has opposed the prayer for bail and submitted that from possession of this petitioner firearm was recovered and he did not produce any document for keeping the said arms in his possession.

In view of the above submissions, considering the petitioner's custody period and also the fact that as per petitioner's counsel, investigation has been completed in respect of the petitioner, there is only one criminal antecedent relating to offences under Indian Penal Code in which he is on bail as submitted, in my view, lenient approach may be taken in respect of the petitioner. Let the 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 the Sub divisional Judicial Magistrate (West) Muzaffarpur in Kanti P.S. Case No. 186 of 2020 on the following conditions:-

(1) Petitioner shall co-operate 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.

(3) One of the bailers shall be close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

The court below will verify the criminal antecedent of the petitioner but acceptance of bail bond will not be delayed on account of process of verification of the said criminal antecedent. If any criminal antecedent other than Kanti P.S. Case No. 138 of 2020 of the petitioner is found then the court below shall take serious action against him for cancellation of his bail bond.

(Shailendra Singh, J)

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