

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23418 of 2022

Arising Out of PS. Case No.-141 Year-2021 Thana- MATIHANI District- Begusarai

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Raja Paswan, S/o Bijay Paswan, Resident of Village- Khorampur, P.S.-
Matihani, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Singh, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 22-07-2022 Learned counsel for the petitioner is permitted to

remove the defect(s), as pointed out by the office, within a

period of four weeks from today.

Heard Mr. Ranjeet Kumar Singh, learned counsel
appearing on behalf of the petitioner and the learned Additional
Public Prosecutor for the State through video conferencing.

The petitioner seeks regular bail, who is in custody in
connection with Matihani P.S. Case No. 141 of 2021 registered
for the offences punishable under Sections 25(1-b) a/26 of the
Arms Act and Section 30(a) of the Bihar Prohibition Excise
(Amendment) Act.

As per prosecution case, it is alleged that the police,
on secret information, raided the Bas Bitti situated at the
backside of the house of the petitioner and on seeing the police



party, it is alleged that this petitioner after throwing the plastic bag fled away from the place of occurrence. On search being made, one country made pistol, two live cartridges of 315 bore and three litres of country made liquor were recovered.

It is submitted by the learned counsel appearing on behalf of the petitioner that the petitioner was neither arrested at the spot nor any incriminating material has been recovered from the conscious and constructive possession of this petitioner. It is further submitted that so far as the alleged Bas Bitti is concerned, the same does not belong to the petitioner. It is next submitted that only because of the fact that the petitioner has one criminal antecedent, being Matihani P.S. Case No. 32 of 2021, the name of the petitioner has been implicated in the present case and the petitioner is in custody since 21.02.2022, though the investigation of the crime is already completed and the charge-sheet has been submitted.

On the other hand, learned APP for the State opposes the bail application and submits that the petitioner was identified by the police while he was fleeing after throwing the pistol and wine.

Having considered the submissions made on behalf of the parties and taking into consideration the fact that the



petitioner was neither arrested at the spot nor any incriminating material has been recovered and so far the place from where the alleged recovery is concerned, the same does not belong to the petitioner, apart from the fact that the petitioner is in custody since 21.02.2022, though the investigation of the crime is already concluded and charge-sheet has been submitted in this case and there is no likelihood of commencement of trial in near future, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Excise Judge-I, Begusarai in connection with Matihani P.S. Case No. 141 of 2021 subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be



cancelled.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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