

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24045 of 2022

Arising Out of PS. Case No.-42 Year-2020 Thana- BAKHTIYARPUR District- Patna

Binod Paswan Son Of Suba Das R/O Village- Saraiya, P.S.- Bakhtiyarpur,
District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Kashyap
For the Opposite Party/s : Mr. Lalan Kumar

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 17-08-2022 Heard learned counsel for the petitioner and learned APP
for the State.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

Petitioner seeks bail in connection with Bakhtiyarpur P.S. Case No. 42 of 2020 registered under Sections 25(1)(a)(b) (1B)(a), 26 and 35 of Arms Act.

On 17.08.2021, the petitioner's earlier prayer for bail in Cr. Misc. No. 7916 of 2021 was rejected. The petitioner thereafter renewed his prayer in Cr. Misc No. 2332 of 2022, which was permitted to be withdrawn with liberty to renew his prayer before the trial court. Upon rejection of his prayer



thereafter by the trial court, he has renewed his prayer by the present bail application.

Petitioner's counsel submits that by now the petitioner has remained in custody for more than two years. As of date, not a single witness has been examined. Reiterating submissions on merit it is stated that petitioner's implication is based on his remand in this case after his arrest in another case and that recovery of arms and ammunition is from joint family property, and the petitioner is in custody since 01.08.2020. Petitioner has one criminal antecedent.

The Court had, in these circumstances, called for a report. Report of the trial court is indicative of the fact that not a single witness has been examined.

Considering the report dated 01.06.2022 and the period of custody, this Court is inclined to allow the prayer for bail.

Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-IIIrd, Barh, Patna in Bakhtiyarpur P.S. Case No. 42 of 2020, 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.

(Madhuresh Prasad, J)

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