

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27194 of 2022

Arising Out of PS. Case No.-34 Year-2021 Thana- ARA NAGAR District- Bhojpur

Mithlesh Paswan Son Of Suresh Paswan R/O Village- Kuber Chak Dhandiha,
P.S.- Koilwar, District- Bhojpur At Ara.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arbind Kumar Singh, Adv.
For the Opposite Party/s : Mr. Uday Chand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 26-08-2022 Heard learned counsel for the petitioner and the
learned APP for the State through virtual mode in view of
COVID-19.

Let the defect(s) be removed within four weeks of the
complete start of the physical Court in normal course.

The petitioner is in judicial custody in connection
with Ara P.S. Case No.34/2021 instituted under Sections
353,307/34 of the IPC and 27 Arms Act.

The petitioner who has four criminal cases under his
belt has been alleged to have opened fire on the police party
when they tried to apprehend him.

Learned counsel for the petitioner submits that only
because he has criminal antecedent, he has been implicated in
this case, although he was neither present on the spot nor was
apprehended nor anything has been recovered from his



conscious possession. It is his further submission that despite the allegation by the police of opening fire, it is ironical that no injury has been attributed to any of the police party thus showing complete false implication in the matter. He lastly submits that the petitioner is in custody since 04.10.2021 (as stated in para-14 of the bail application).

Considering the aforesaid fact that as also that he is in custody since 04.10.2021 and charge sheet stands submitted, this Court is inclined to grant him privilege of bail after the framing of the charges.

Let the petitioner be released on bail after framing of charge on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Ara P.S. Case No.34/2021 to the satisfaction of learned Chief Judicial Magistrate, Ara, subject to following conditions:

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reasons will entail cancellation of his/her



bail by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his/her presence;

(iv) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to steps for cancellation of his/her bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Prakash Narayan /-

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