

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31859 of 2022

Arising Out of PS. Case No.-359 Year-2021 Thana- RAJNAGAR District- Madhubani

Pintu Kumar Paswan S/o Fule Paswan Resident of Village- Maharail, P.S.
Rudrapur, District- Madhubani.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs.Kumari Shubham, Advocate.

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

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 26-08-2022 The case is heard through video conferencing.

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

Mrs. Kumari Shubham, learned counsel for the petitioner and Mr. Binod Kumar, learned APP for the State are present.

Petitioner seeks regular bail in connection with Raj Nagar P.S. case no. 359 of 2021 registered for the offences punishable under Sections 399 and 402 of the Indian Penal Code and Section 25(1-b) a, 26 and 35 of the Arms Act.

As per allegation the police got an information that some miscreants had gathered at the alleged place to make preparation to commit an offence. Accordingly, the police personnel raided the alleged place and apprehended five persons



and in presence of two independent witnesses the search was conducted. Upon search some mobile phones, two country made pistol and two motrocycles were recovered from the apprehended persons. One mobile phone was recovered form the possession of the present petitioner, no document was produced in respect of the recovered articles.

The main submissions advanced by Mrs. Kumari Shubham, learned counsel for the petitioner are that the petitioner has been made accused in the present cases merely on the basis of suspicions raised by the police, no any incriminating articles has been recovered from the possession of the petitioner, the petitioner's name surfaced in the confessional statement of co-accused person and it has no evidentiary value and he has been languishing in jail since 24.12.2021, and chargesheet has been submitted against the petitioner.

Mr. Binod Kumar, learned APP has opposed the prayer for bail.

Heard both the sides and perused the FIR and the seizure list and the order of learned Court below. As per allegation made in the FIR the police party raided the alleged place and arrested petitioner and co-accused persons in view of the allegation of having gathered at the alleged place with fire arms



with an intention to make preparation to commit an offence. Though the present petitioner is alleged to have been arrested at the spot but the FIR as well as seizure list attached to the FIR goes to show that from his possession only one mobile phone is alleged to have been recovered and the recovery of fire arms and motorcycles and other articles are not alleged to have been made from the conscious possession of this petitioner. The petitioner has been languishing in jail since 24.12.2021 and the police have completed investigation in respect of him and petitioner's case is at initial stage of trial and as per submission made by learned counsel for the petitioner one co-accused named Prahalad Kuma Jha carrying almost similar nature of allegation has been granted bail by a co-ordinate bench of this Court vide order passed in Cr. Misc. No. 18067 of 2022. Considering these facts as well as above submissions in the opinion of this Court, the petitioner deserves to a lenient approach of this Court, 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 concerned Court in connection with Raj nagar P.S. case No. 359 of 2021 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.

(Shailendra Singh, J)

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