

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33817 of 2022

Arising Out of PS. Case No.-48 Year-2022 Thana- KHODAWANDPUR District- Begusarai

Chandan Paswan @ Chandan Kumar Paswan S/o Rampukar Paswan @ Ram Kumar Paswan Resident of Village- Shahpur, P.S.- Khodawandpur (Chhaurahi O.P.), District- Begusarai.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Randhir Kumar No.1, Advocate.

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

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 08-09-2022 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 learned APP for the State.

Petitioner seeks regular bail in connection with Khodawandpur (Chhaurahi) P.S case No 48 of 2022, registered for the offences punishable under Section 25(1-AA), 26 of the Arms Act.

As per the allegation, acting on a tip the Police started checking the vehicles and then the petitioner who was riding fastly on a motorcycle was stopped by the police and finding his activity to be suspicious the police searched him and recovered a loaded country-made pistol and one live cartridge and the petitioner could not produce the relevant documents with regard to this possession



of the fire arms and his motorcycle to justify his possession over the said recovered materials. 33817

The main submissions advanced by Mr. Randhir Kumar, learned counsel for petitioner are that the petitioner has got clean antecedent and he has been languishing in jail since 26.02.2022 and the witnesses of the seizure of the alleged fire arms made by the police belong to the petitioner's village and during investigation the said witnesses were not examined and they have not been shown as the witnesses in the charge-sheet. Further submission is that the petitioner is a B.tech pass out and his educational certificate issued by the concerned University has been annexed as Annexure-2.

Mr. Prem Kumar Jha, learned APP for the State has opposed the prayer for bail.

Having regard to the facts and circumstances of the case and mainly taking into account the petitioner's clean antecedent and his academic carrier and his custody period and stage of his case, in the opinion of this Court the petitioner deserves to a lenient approach, 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 concerned Court in connection with Khodawandpur (Chhaurahi O.P.) P.S. case no. 48 of 2022, 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 tamper 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 a close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

(4) 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 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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