

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36428 of 2022

Arising Out of PS. Case No.-263 Year-2021 Thana- GAYA MUFASIL District- Gaya

SONU PASWAN Son of Ram Bilash Paswan @ Ramavilash Paswan Resident
of Mohalla - Gandhi Nagar, Manpur, P.S.- Mufassil, District - Gaya

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Sharma, Advocate
For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 20-09-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect(s), if any, as pointed out by the
office, be removed within four weeks.

The case is registered under sections 399 and 402
of the Indian Penal Code and Section 25(1-B)a/26/35 of the
Arms Act and 4/5 of the Explosive Substance Act, in connection
with Mufassil P.S. Case No. 263 of 2021.

As per the FIR, the police upon information tried
to apprehend the accused persons. However, most of them
escaped, only Pintu Paswan could be apprehended and from his
possession, a country made loaded pistol, six live cartridges and
five bombs were recovered.

He in his confessional statement gave the name of



the petitioner. Accordingly, the petitioner also came into judicial custody on 8.12.2021.

Learned counsel for the petitioner submits that neither he was arrested from the spot nor anything was recovered from his conscious possession. It is his further submission that he is in custody since 8.12.2021. His last submission is that one of the co-accused namely Pintu Paswan who was arrested from the spot has since been granted bail vide Cr. Misc. No. 59361 of 2021 on 7.2.2022 (Annexure-2).

Considering the aforesaid facts that the petitioner is in custody since 8.1.2021, nothing has been recovered from his conscious possession and one of the co-accused has been released on bail, as stated above, this Court is inclined to grant him the privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Gaya, in connection with Mufassil P.S. Case No. 263 of 2021 subject to the following conditions:

(i) one of the bailors should be the family members 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 his cancellation of bail by the Trial Court itself;

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

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

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Ravi/Ajay Singh

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