

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39584 of 2022

Arising Out of PS. Case No.-238 Year-2022 Thana- BARH District- Patna

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1. CHANDO PASWAN Son of Ganesh Paswan Resident of Village - Mankaura, P.s.- Barh, Distt.- Patna.
 2. Sanjeevan Kumar @ Sanjeevan Paswan Son of Ganesh Paswan Resident of Village - Mankaura, P.s.- Barh, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Kashyap, Advocate

For the Opposite Party/s : Mr.Jagdhar Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 30-09-2022 Heard learned counsel for the petitioner and learned APP for the State through video conferencing in view of the COVID 19.

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

The petitioner is an accused in connection with Barh P.S. Case No. 238 of 2022 under Sections 25(1-B), 26 and 35 of the Arms Act.

As per the prosecution story, the informant alongwith other police personnel were on patrolling reached near the house of accused, namely, Manish Kumar and apprehended all three of them. On search, one country made ‘Katta’ and a live cartridge



was recovered from accused, namely, Manish Kumar and five live cartridges were recovered/seized from each accused, namely, Chando Paswan and Sanjeevan Kumar respectively. Accordingly, seizure list prepared and FIR was lodged.

Learned counsel for the petitioner submits that so far as the petitioner no. 1 and 2 are concerned, five cartridges each socks have been recovered/seized for which they have already suffered by being in custody since 29.04.2022 (as stated in the paragraph-10 of the bail application). He lastly submits that both the petitioners have fair antecedent.

Considering the aforesaid submission as also the recovery, they are in custody since 29.04.2022, charge sheet stands submitted and they do not have any criminal antecedent this Court is inclined to grant him privilege of bail. If however, if it is found that they do have criminal antecedent the bail order shall become infructuous.

Let the petitioners 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 A.C.J.M.-1st Barh, Patna in connection with Barh P.S. Case No. 238 of 2022, subject to the 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 petitioners shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial court itself;

(iii) the petitioners shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of their bail bonds;

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

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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