

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.48643 of 2022**

Arising Out of PS. Case No.-90 Year-2019 Thana- RAJPUR District- Rohtas

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Murari Paswan @ Guru Son of Late Lali Paswan Resident of Village - Bhawadih,
P.S.- Nokha, Distt.- Rohtas. Petitioner

Versus

The State of Bihar Opposite Party

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Appearance :

For the Petitioner/s : Mr. Aditya Narayan Singh.1, Advocate

For the Opposite Party/s : Mr. Rana Randhir Singh, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 09-12-2022 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within two weeks from today.

Heard learned counsel for the petitioner and Mr. Rana Randhir Singh, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Rajpur P.S. Case No. 90 of 2019 registered for the offences punishable under Sections 399, 402 of the Indian Penal Code and Section 25(1-b)a/26/35 of the Arms Act. He is in custody since 07.12.2021. The petitioner has got two criminal antecedents.

Learned counsel for the petitioner submits that as per the prosecution story, while the informant along with other police officials were on vehicle checking duty at Punjab National Bank, Rajpur, at about 11:00 A.M. the police party signaled to stop two motorcycles but both the motorcycles tried to flee away, thereafter



on chase both the motorcycles were seized and two persons got apprehended and three persons managed to escape. On search, one country-made loaded pistol and four live cartridges, one mobile phone were recovered from Tuntun Kumar @ Mukesh and from Suraj Kumar two mobiles and four live cartridges were recovered. The apprehended accused persons disclosed the name of the other accused persons who managed to escape as Munna Paswan, Murari Paswan @ Guru (this petitioner).

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the petitioner is in custody in connection with this case since 07.12.2021

Learned counsel submits that the name of the petitioner has transpired in the confessional statement of the apprehended accused persons. It is submitted that there is no recovery from the possession of the petitioner.

Mr. Rana Randhir Singh, learned APP for the State is present and has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein this petitioner has not been arrested on the spot, his name has transpired in the statement of the apprehended accused, there is no recovery from his possession and he has remained in custody



since 07.12.2021, investigation against him is complete, hence, this Court directs that the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Bikramganj, Rohtas in connection with Rajpur P.S. Case No. 90 of 2019, subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take steps for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

This application is allowed.

Certified copy of this order shall be made available only after removal of the defects.

(Rajeev Ranjan Prasad, J)

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