

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59294 of 2021

Arising Out of PS. Case No.-86 Year-2021 Thana- BUNIYAD GANJ District- Gaya

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Raushan Kumar @ Raushan Kumar Paswan S/o Surendra Paswan Resident of Powerganj, Bairagi Bairagi-2, Gaya at presently residing at Village - Ishari Bara, P.S. - Muffasil, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dharmendra Kumar Sinha, Advocate.

For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 11-04-2022 Learned counsel for the petitioner is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State.

The present application has been filed for grant of bail to the petitioner, above named, who has been made accused and put behind the bar in connection with Buniyadganj P. S. Case No. 86 of 2021 registered for the offences punishable under Sections 25 (1-b)a, 26 and 35 of the Arms Act.

As per the prosecution case, it is alleged that while the Police was in search of accused persons in connection with Fatehpur P. S. Case No. 185 of 2021, apprehended two persons including this petitioner, who were coming on a motorcycle. On search, from the possession of this petitioner one live cartridge has been recovered.



It has been submitted by the learned counsel for the petitioner that, in fact, the recovery has been made from the co-accused, from whose possession a pistol has been recovered but only in order to implicate this petitioner, a live cartridge has been shown to be recovered from the possession of this petitioner. It is further submitted that the seizure list has been prepared in presence of only Police personnel and without complying the provisions of Section 100 of the Cr.P.C. It is next submitted that the investigation of the case has been concluded and charge-sheet has already been submitted in the present case. it is also submitted that though the petitioner was arrested in the present case but thereafter, he was remanded in Fatehpur P. S. Case No. 185 of 2021 and except that, this petitioner has no criminal antecedent.

On the other hand, learned APP for the State opposes the bail application of this petitioner and submits that one live cartridge has been recovered from the possession of this petitioner.

Having heard the submissions made on behalf of the parties and taking into consideration this fact that only a live cartridge has been recovered from the possession of this petitioner and he is in custody since 03.08.2021, let the



petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-VIII, Gaya in connection with Buniyadganj P. S. Case No. 86 of 2021, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.
- (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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