

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52721 of 2022

Arising Out of PS. Case No.-314 Year-2021 Thana- OBRA District- Aurangabad

BRAJESH PASWAN @ RAJESH PASWAN SON OF SHANKAR PASWAN
R/O VILLAGE - TEJPUR, P.S.- OBRA, DISTRICT- AURANGABAD

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anand Kumar Ojha

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

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 23-12-2022 Let the defect(s), as pointed out by the office, be removed within a period of four weeks from today.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner seeks bail in connection with Obra P.S. Case No. 314/2021 registered for the offences punishable under Sections 25(1-B)a, 26 of the Arms Act.

As per prosecution case, there is alleged recovery of one country made pistol, one live cartridge and two empty cartridges from the house of the petitioner. It is further alleged that two mobile phones were also recovered from the pocket of the petitioner. The petitioner was interrogated and who confessed that the said mobile phones were of loot.

Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case.



The petitioner is languishing in custody since 07.12.2021 which is more than one year and bears criminal antecedents of six cases in which he is on bail in five cases as orally submitted by the learned counsel for the petitioner. He further submits that the petitioner is a joint family member and several neighbours and village people came inside the house. Therefore, it is difficult to establish who kept the recovered arms and cartridges. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence.

The learned A.P.P. for the State vehemently opposed the prayer for bail of the petitioner and submits that the petitioner has six criminal antecedents.

Considering the facts and circumstances of the case, period of custody, charge sheet has already been submitted in this case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail **after framing of charge** on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Daudnagar, Aurangabad in connection with Obra P.S. Case No. 314/2021, subject to following conditions:-



(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(iv) Petitioner shall furnish mobile number at the time of furnishing bail bond and the said mobile number shall continue in operating condition till disposal of the case and he shall get his presence marked before the officer-in-charge of the concerned police station on the first Tuesday of every month.

(v) Petitioner shall not leave the territorial jurisdiction of the concerned trial court without appropriate permission of the court concerned.

(Alok Kumar Pandey, J)

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