

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16274 of 2023

Arising Out of PS. Case No.-267 Year-2022 Thana- KHODAWANDPUR District- Begusarai

SAWAN KUMAR PASWAN @ SAWAN KUMAR SON OF RAMNANDAN
PASWAN RESIDENT OF VILLAGE - KHODAWANDPUR, P.S. -
KHODAWANDPUR, DISTT. - BEGUSARAI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arjun Prasad

For the Opposite Party/s : Mr.Upendra Kumar

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 19-05-2023 Heard the learned counsel for the petitioner and the learned
A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with Khodawandpur P.S. Case No. 267 of 2022, registered for the offence punishable under Sections 25(1-b)a, 26(i), 35 of the Arms Act.

The case of the prosecution, in brief, according to the informant, is that while the police force was on petrolling duty, they saw that three persons, riding on a motorcycle, were standing near the tea stall of one Ranjit Singh and when the police force had gone near the tea stall, they had tried to flee away, however, one of them, namely, Ramanand Kumar, was arrested and upon search, one loaded country made pistol was



recovered. It is further alleged that upon interrogation, the said arrested accused person, namely, Ramanad Kumar, had disclosed that the other two persons, who had fled away, were the petitioner and one Arbind Kumar.

The learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case. The learned counsel for the petitioner has further submitted that the petitioner is an accused in one another case, but he is on bail in the said case. The learned counsel for the petitioner has also submitted that neither any arms have been recovered from the petitioner nor he has been arrested from the spot nor it has been alleged that the petitioner has committed any sort of crime.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner, taking into account the materials available on record as also considering the fact that neither any arms have been recovered from the possession of the petitioner nor he has been arrested from the spot nor he is alleged to have engaged in any sort of crime, I deem it fit and proper to admit the petitioner to



the privilege of anticipatory bail.

Accordingly, the petitioner is directed to be enlarged on anticipatory bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned SDJM, Manjhaul, Begusarai in connection with Khodawandpur P.S.Case No. 267 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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