

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20757 of 2023

Arising Out of PS. Case No.-74 Year-2022 Thana- DARIYAPUR District- Saran

ARJUN PASWAN Son of Late Mahavir Paswan R/o Didarganj PS-
Malsalami Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Harish Kumar, Adv.

For the Opposite Party/s : Mr. Sunil Kumar Pandey, APP.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 12-04-2023 Let the defects, if any, pointed out by the office be removed within three weeks from the date of this order, failing which the matter be listed again under the appropriate heading for necessary action.

Heard learned counsel for the petitioner and the learned APP for the State.

Petitioner seeks regular bail in connection with Sessions Trial No. 200/2022 arising out of Dariyapur P.S. Case No. 74 of 2022 dated 08.02.2022 registered for the offences punishable under Sections 399, 402 and 420 of the Indian Penal Code and Sections 25(1-b)a, 26 and 35 of Arms Act.

This is the second attempt made by the petitioner for the relief of bail and the main grounds taken by the petitioner in the instant petition are that, after the rejection of earlier prayer



of the petitioner, the petitioner's case has been committed to the Court of Sessions and two co-accused persons namely Luchhu Nut and Sani Kumar @ Sunny Kumar have been granted bail by different co-ordinate Benches of this Court vide orders dated 21.03.2023 and 09.12.2022 passed in Cr. Misc. Nos. 60404/2022 and 45710/2022 respectively and in view of the nature of allegations, petitioner's case stands on better footing from the said co-accused persons as from the possession of this petitioner only one knife being an arm was recovered while from the possession of each of the said co-accused persons who are on bail, a loaded country-made pistol and one live cartridge were recovered and the petitioner's case is at initial stage and he has been languishing in jail since 09.02.2022.

Learned APP appearing for the State has opposed the bail prayer.

Considering the above fresh grounds taken by the petitioner and mainly the stage of petitioner's case and his custody period, in my opinion, now the petitioner deserves to a lenient approach of this Court. Accordingly, let the petitioner named-above be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned in connection



with Sessions Trial No. 200/2022 arising out of Dariyapur P.S.
Case No. 74 of 2022, on the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court below and shall remain physically present as directed by the Court below and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) 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.

(3) One of the bailors shall be a close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

(Shailendra Singh, J)

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