

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22845 of 2023

Arising Out of PS. Case No.-863 Year-2022 Thana- HAJIPUR SADAR District- Vaishali

VIRU PASWAN S/o Virju Paswan R/o of Village-Chakbaladhari, P.S.-Hajipur
Sadar, Dist.-Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mrityunjay Kumar, Advocate

For the Opposite Party/s : Mr.Sanjay Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 14-07-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since 28.10.2022 in connection with Hajipur Sadar P.S.Case No.863 of 2022, F.I.R. dated 27.10.2022 registered for the offence punishable under Sections 399,402,414 of IPC and Sections 25(1-b)a/26/35 of Arms Act.

3. On search, one pistol was recovered from the waist of Chandan Kumar @ Bhola and two live cartridges were recovered from possession of the petitioner.

4. Learned counsel appearing for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. Further submits that the allegation as alleged in the FIR is false and fabricated and the



petitioner has not committed any offence as alleged in the FIR. Further submits that from bare perusal of the FIR as well as the seizure list that two live cartridges have been recovered from possession of the petitioner and there is non-compliance of Section 100 of Cr.P.C. and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 28.10.2022.

5. Learned APP for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner carries two more cases other than the present one.

6. Considering the aforesaid facts, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Hajipur Sadar P.S.Case No.863 of 2022,with the following conditions:-

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



(II) 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.

(III) 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 step 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.

(Rajesh Kumar Verma, J)

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