

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25294 of 2023

Arising Out of PS. Case No.-381 Year-2022 Thana- ROSERA District- Samastipur

PAWAN KUMAR @ PAVAN KUMAR S/o Prem Sagar Mahto R/o Village-
Bataha, P.O.-Udaipur, P.S.-Rosera, District-Samastipur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 23-05-2023 Learned counsel for the petitioner is permitted to
make correction in paragraph-1 of the bail petition during
course of the day.

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

Petitioner seeks bail, who is in custody since
11.11.2022, in connection with Rosera P.S. Case No. 381 of
2022, F.I.R. dated 11.11.2022 registered for the offences
punishable under Sections 399, 402 of the Indian Penal Code
and Section 25(1-B)(a), 26, 35 of the Arms Act.

The case relates to recovery of one country made
pistol and two mobile phones.

Learned counsel for the petitioner submits that the
petitioner is innocent and he has been falsely implicated in the



present case. He further submits that it appears from the F.I.R. as well as seizure list that one country made pistol and two mobile phones have been recovered from the conscious possession of the petitioner and there is non compliance of Section 100 of the Cr. P.C. and the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 11.11.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries one more case other than the present one in which he is on bail.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. Ist, Rosera, Dist- Samastipur in connection with Rosera P.S. Case No. 381 of 2022, subject to 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 and shall remain physically present as directed by the Court 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 witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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 antecedents, 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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