

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30669 of 2022

Arising Out of PS. Case No.-24 Year-2021 Thana- CHANDRAMANDI District- Jamui

Jaldhar Paswan Son of Pairu Paswan, Resident of Village- Kewal P.S.-
Chandramandih District- Jamui.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 49082 of 2022

Arising Out of PS. Case No.-24 Year-2021 Thana- CHANDRAMANDI District- Jamui

MUNNA HEMBRAM Son of Govind Hembram R/V- Dobatiya, P.S- Barhat,
Dist- Jamui

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 30669 of 2022)

For the Petitioner/s : Mr. Satya Prakash Parasar, Advocate

For the Opposite Party/s : Mr.A.G

(In CRIMINAL MISCELLANEOUS No. 49082 of 2022)

For the Petitioner/s : Mr. Rajesh Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Pawan Kumar Chaurasia, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 13-01-2023 Heard learned counsel for the petitioners and learned

Additional Public Prosecutor for the State in virtual court

proceeding.

Let the defects, as pointed out by the office, be

removed within a period of four weeks from today.

Petitioners seek bail in a case registered for the



offences punishable under Sections 120(B)/34 of the Indian Penal Code and Section 16, 17, 18, 19 and 20 of the U.A.P. Act.

According to prosecution case, in brief, is that on secret information from the S.H.O. Khaira, that from the house of Jaldhar Paswan arms and explosive may be recovered from his house, by which he is preparing to use it in extortion from some brick kiln owners. When in the action police team on the date 01.03.2021 went and reached at the house of Jaldhar Paswan, police team searched the house of Jaldhar Paswan and recovered a country made pistol and explosive kept in polythene. On enquiry about recovery, wife of Jaldhar Paswan, namely Sunita Devi told that these things kept by her husband Jaldhar Paswan and his friend Munna Paswan.

Learned counsel for the petitioners submits that petitioners are innocent and they have falsely been implicated in the present case. He further submits that on the basis of confessional statement of the petitioner (Munna Hembram) the present F.I.R. has been instituted. He further submits that nothing has been recovered from the conscious possession of the petitioners rather the recovery has been made from forest area and the petitioners have no concern at all with the alleged recovery. He further submits that there is non-compliance with



mandatory procedure prescribed for recovery under Section 100 of Cr.P.C. He further submits that the police after investigation submitted the charge sheet against the petitioners. The petitioners are in custody since 30.07.2021.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners on the ground that petitioner no.1 carries one criminal antecedent and petitioner no.2 carried five criminal antecedents other than the present one.

Considering the aforesaid facts and circumstances as well as period of custody, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Sessions Trial No. 31 of 2022 arising out of Chandramandih P.S. Case No. 24 of 2021, 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 witnesses, 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 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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