

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59262 of 2023

Arising Out of PS. Case No.-8 Year-2023 Thana- TIKAPATTI District- Purnia

PAWAN KUMAR SINGH SON OF LATE GYANCHANDRA SINGH
RESIDENT OF VILLAGE - SAPHA, WARD NO.8, P.S. - TIKKAPATTI,
DISTRICT - PURNEA

... .. Petitioner/s

Versus

THE STATE OF BIHAR PATNA

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agarwal, Sr. Advocate
		Mr. Dr. Bindhu Ranjan, Advocate
For the Opposite Party/s	:	Ms. Suman Kumari Singh

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 05-09-2023 Heard Mr. N.K. Agarwal, learned Senior Counsel
for the petitioner and the State.

2. The petitioner is in custody in connection with Tikapatti P.S. Case No. 08 of 2023 for the offence under sections 25(1-b)a, 26, 35 of Arms Act lodged on 21.01.2023 by the informant, Ajay Kumar Ajnabi.

3. As per the prosecution story, the Police upon information alongwith special task force, apprehended this petitioner from his village and while escaping, he fell down, sustained simple injury. Upon enquiry the accused persons gave their names, the petitioner being one of them and the allegation is that upon search, a country made pistol loaded with five live cartridges alongwith ten live cartridges from the 'pant' of the petitioner recovered/seized. From another accused, Dheeraj Kumar Yadav, country made carbine loaded with five live



cartridges and ten live cartridges recovered/seized. Accordingly the FIR.

4. Learned Senior Counsel for the petitioner submits that the Police only to exaggerate the case, has implicated him as he has criminal antecedent for which he has already remained in custody since 22.01.2023 (as stated in paragraph 9 of the petition).

5. Learned APP opposes the prayer for bail stating that he has criminal antecedent.

6. Considering the submissions put forward by the parties, the materials on record, as also the fact that he is in custody since 22.01.2023 and will be facing the trial, this Court is inclined to extend him the privilege of bail but only after framing of the charges in view of the fact that he has criminal antecedent.

7. Let the petitioner be released on bail after framing of charge on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Purnia, in connection with Tikapatti P.S. Case No. 8 of 2023 subject to the following conditions:

(i) one of the bailor should be the family member of



the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

8. With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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