

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57487 of 2023

Arising Out of PS. Case No.-333 Year-2023 Thana- BUXAR MUFFSIL District- Buxar

Pawan Kumar Son Of Subhash Yadav R/o Vill Chakki Bhola Dera P.S
Brahmpur Distt Buxar

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rang Nath Choubey, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 14-09-2023 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
18.07.2023 in connection with Buxar (Muffasil) P.S. Case No.
333 of 2023, F.I.R. dated 18.07.2023 registered for the offence
punishable under Sections 279,337,427 of IPC and Section
25(1-b)a/26/35 of Arms Act.

3. Recovery is of one mobile phone from possession
of the petitioner, one mobile phone from possession of co-
accused Rupesh Yadav and one country made pistol has been
recovered from the place of occurrence and the same belongs to
co-accused Jitu Kumar, which has been fallen down during
running.

4. Learned counsel appearing for the petitioner



submits that the petitioner has clean antecedent and he has falsely been implicated in the present case. Further submits that from a bare perusal of the FIR as well as seizure list that no incriminating article have been recovered from possession of the petitioner and it appears from the seizure list that one mobile phone has been recovered from possession of the petitioner and no arms has been recovered from possession of the petitioner so no case is made out against the petitioner under the Arms Act and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 18.07.2023.

5. Learned APP for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid fact, petitioner has clean antecedent and no incriminating article has been recovered from possession of the petitioner, 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, Buxar in connection with Buxar (Muffasil) P.S. Case No. 333 of 2023, 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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