

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63748 of 2022

Arising Out of PS. Case No.-69 Year-2020 Thana- SHEIKHOPUR SARAI District-
Sheikhpura

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1. Amarjit Paswan @ Amarjeet Kumar, Son of Jugeshwar Paswan @ Yugeswar Paswan Resident of village - Rahincha, P.S.- Shekhopur Sarai, District - Sheikhpura
 2. Guddu Paswan, Son of Jugeshwar Paswan @ Yugeswar Paswan Resident of village - Rahincha, P.S.- Shekhopur Sarai, District - Sheikhpura
 3. Ranjan @ Niranjan Paswan, Son of Jugeshwar Paswan @ Yugeswar Paswan Resident of village - Rahincha, P.S.- Shekhopur Sarai, District - Sheikhpura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rudal Singh

For the Opposite Party/s : Mr. Shyameshwar Dayal

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 12-01-2023 This case is listed for hearing out of turn on account of mentioning that petitioners are young boys and they have to participate in the Indian Army Agniveer Examination, 2023.

Heard Ld. counsel for the petitioners and Ld. APP
for the State.

The petitioners seek bail in connection with Sarai P.
S. Case No. 69 of 2020 (G.R. No. 1138 of 2020),
registered for the offences punishable under Sections 25(1-



b)a, 26 and 35 of the Arms Act, 1959.

As per prosecution case, one country-made rifle, iron barrel, wooden butt and manufacturing equipment were recovered from the joint house of the petitioners.

Ld. counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case on account of previous enmity. He further submits that no incriminating article has been recovered from the conscious possession of the petitioner and search and seizure has not been made as per the procedure as prescribed under the Cr.P.C.. He also submits that investigation in this case is complete and charge-sheet has already been submitted. He undertakes that the petitioner will cooperate in the trial and the trial will not get hampered in case he is enlarged on bail.

He further submits that the petitioners have been languishing in jail since 01.08.2022.

It has also been stated in paragraph no. 3 of the bail petition that the petitioners have earlier been made accused in one case.

It is also stated in paragraph no. 2 of the bail



petition that the petitioners have not moved this Court earlier either for anticipatory bail or regular one.

However, Ld. APP for the State vehemently opposes the prayer of the petitioners for bail.

Considering the aforesaid facts and circumstances, this application is allowed, directing the petitioners, above-named, to be enlarged on bail on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of Ld. Additional Chief Judicial Magistrate-III, Sheikhpura, in connection with Sarai P. S. Case No. 69 of 2020 (G.R. No. 1138 of 2020) on the following conditions:

(i) The petitioners will make themselves available for interrogation by a police officer/court as and when required.

(ii) The petitioners will undertake that investigation/trial will not hamper on account of their absence or non-cooperation. They must be available to the police or the court whenever their presence is required.

(iii) The petitioners shall not, directly or indirectly



make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioners have criminal antecedents other than the disclosed one, Ld. court below shall cancel the bail bonds of the petitioners after hearing them and getting satisfied that the petitioners have concealed their criminal antecedents despite their knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioners.

It is made clear that in case the ground of out of turn hearing as mentioned by Ld. Counsel for the petitioner is found to be false by the court below on information provided by the informant and the court below getting satisfied that the ground mentioned for out of turn hearing is false, the court below shall cancel the bail-bonds of the



petitioner.

Ld. counsel for the petitioners is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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