

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60110 of 2023

Arising Out of PS. Case No.-547 Year-2022 Thana- FATUA District- Patna

Kamlesh Paswan, Son of Devnandan Paswan @ Devanandan Paswan,
Resident of Muhalla Bankipur Gorakh PO And PS Fatuha, Dist-Patna
... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Surendra Kumar Mishra, Advocate
For the Opposite Party/s : Mr. Uday Chand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 11-10-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner in the present case is seeking pre-arrest bail in connection with Fatuha P.S. Case No. 547 of 2022 registered for the offences punishable under Sections 412/34 of the Indian Penal Code and Sections 25(1-b)a, 26, 35 of the Arms Act. He has got two criminal antecedents.

3. As per the prosecution story, on 31.07.2022 at 7:40 P.M. the informant along with other police officials while on vehicle checking duty, intercepted three persons, namely, Suraj @ Golu, Raushan Kumar @ Fakira and Abhimanu @ Domu on Apache bearing No. BR-21 Q-2002 and on search from Suraj @ Golu, a loaded pistol and jewellery were recovered and from Raushan @ Fakira and Abhimanu, Jewellery, one Android Mobile and cartridge were recovered. It is further alleged that



the accused persons disclosed the name of the petitioner.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the name of the petitioner has transpired in the confessional statement of the co-accused, however, there is no recovery from the possession of the petitioner.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Having regard to the facts and circumstances of the case wherein it appears that the name of the petitioner has transpired in the confessional statement of the co-accused, however, there is no recovery from his possession and save and except confessional statement of the co-accused, no other material has been pointed out to this Court, hence, this Court directs that in case of his arrest or surrender within a period of four weeks from today, the petitioner above named be released on bail in connection with Fatuha P.S. Case No. 547 of 2022 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M., Patna City, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.



7. 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.

8. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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