

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61109 of 2022

Arising Out of PS. Case No.-107 Year-2021 Thana- DEWARIA District- Muzaffarpur

Upendra Paswan S/O Late Ramkisun Paswan R/O Village- Husepur,
Dobandha, P.S- Sahebganj, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Jyotsna Rani Mishra, Advocate

For the Opposite Party/s : Ms. Renu Kumari, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 20-02-2023 Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State.

The petitioner seeks bail in connection with Dewaria
P.S. Case No.107 of 2021 registered for the offence under
Sections 399, 402 and 414 of the Indian Penal Code and
Sections 25(I-b)a, 26 and 35 of the Arms Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 16.07.2021.

The allegation against the petitioner is to participate
in the preparations of dacoity alongwith other co-accused
persons and while preparing so found in possession of one
country made pistol alongwith one live cartridge.

Learned counsel appearing on behalf of the petitioner
submitted that nothing surfaced during the course of



investigation which may suggest that petitioner was preparing something for committing dacoity. It is submitted that mere on the ground that one firearm alongwith one live cartridge was recovered from the possession of this petitioner, the petitioner cannot be alleged with the allegations as raised through present F.I.R. i.e., to be involved in preparations of dacoity. It is submitted that petitioner is involved in ten more cases, where in maximum of the cases his name surfaced on the basis of confessional statement and was taken on remand from another case, where in almost in all ten cases he is on bail. While concluding the argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, opposes the prayer for bail.

In view of the facts and circumstances as mentioned above and by taking note of the fact as save and except firearms nothing surfaced during the course of investigation, *prima facie*, to suggest the involvement of petitioner in preparations of dacoity coupled with the fact that charge-sheet has already been submitted, let above named petitioner is directed to be released



on bail in connection with Dewaria P.S. Case No.107 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Judicial Magistrate-1st Class, Muzaffarpur(West)/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J.)

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