

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66146 of 2023

Arising Out of PS. Case No.-40 Year-2023 Thana- DANDARI District- Begusarai

BHUSHAN PASWAN SON OF RAM BADAN PASWAN VILLAGE-
SISAUNI, WARD NO. 7, PS- DANDARI, DIST- BEGUSARAI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Anshu Dhar Sharma, Advocate
		Mr. Namita Sharma, Advocate
For the Opposite Party/s	:	Mr. Arun Kumar, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 07-11-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with Dandari P.S. Case No. 40 of 2023 dated 16.05.2023, instituted for the offence punishable under Sections 341,504 and 506/34 of the Indian Penal Code read with Section 25 (1-B)A and 26 of the Arms Act.

3. The prosecution case, in short, is that on the alleged date of occurrence the informant was in his house with his wife. In the meantime, the accused persons came with pistol in his hand and Bhushan Paswan (petitioner) stuck the pistol to the informant's body. On halla, Rupesh Paswan(co-accused) ran away waving his pistol but Bhushan Paswan (petitioner) was



caught by Rakesh Paswan and his wife Ravina Devi and snatched his pistol. However, Bhushan Paswan forcibly managed to flee away and then information was given to police station about the snatched country made pistol. Thereafter, police came and snatched pistol was handed over to him.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has falsely been implicated in this case. It is further submitted that nothing has been recovered from conscious possession of the petitioner or from the house of the petitioner. It is submitted that there is case and counter case between the parties. It is submitted that petitioner had filed complaint case bearing Complaint Case No. 843C of 2023 against the informant and others on 13.04.2023 i.e. much before filing of this F.I.R.. It is further submitted that police has not recovered any pistol from the conscious possession of the petitioner rather the same has been handed over to the police by the informant and others by saying that the same has been recovered from the conscious possession of the petitioner, which doesn't come under the purview of Arms Act. Lastly, it has been submitted that he has no criminal antecedents.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.



6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner in connection with Dandari P.S. Case No. 40 of 2023, he shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate-Ist Class, Begusarai, subject to condition as laid down under Section 438(2) of the Cr.P.C..

(Khatim Reza, J)

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