

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71212 of 2023

Arising Out of PS. Case No.-1025 Year-2021 Thana- NAGAR District- Vaishali

RAKESH KUMAR @ RAKESH KUMAR PASWAN S/o Ramnath Pawan
R/o Village - Hathsarganj, Naka No. 3, P.S. - Hajipur Town

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dharendra Prasad Sinha, Advocate.

For the Opposite Party/s : Mr. Shailendra Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 03-11-2023 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 21.12.2021 in connection with Hajipur Town P.S. Case No. 1025 of 2021 dated 20.12.2021 registered for the offence under Sections 413, 414/34 of the Indian Penal Code, Sections 25(1-b)a, 26 and 35 of the Arms Act.

3. The prosecution case in brief is that on 20.12.2021 the Police on getting information that three miscreants riding on a Motorcycle were going towards Hajipur along with two bags on their shoulder reached the place of occurrence and on seeing the Police party, the petitioner along with other accused person tried to flee



away but apprehended by the Police. On search, one loaded country made pistol and two live cartridges were recovered from possession of the petitioner and 10.440 Kg. of *ganja* was recovered from other co-accused person.

4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case. In the First Information Report it is alleged that one country made pistol and two live cartridges have been recovered from possession of the petitioner and some contraband was also recovered from possession of co-accused Sujeet Kumar and Sanjay Paswan and, thereafter, the seizure list was prepared. He further submits that there is non compliance of Section 100 Cr. P.C. The Police after investigation has submitted charge sheet against the petitioner. The Petitioner is in custody since 21.12.2021.

5. Learned A.P.P. for the State on the other hand has vehemently opposed the prayer for bail of the petitioner and submits that the arms was recovered from possession of the petitioner and apart from the aforesaid the petitioner carries seven more cases other than the present one. He further submits that it is mentioned in paragraph-3 of the



bail petition that out of eight cases, the petitioner is on bail in seven cases.

6. Considering the facts and circumstances of the case and the period of custody, 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, Vaishali at Hajipur, in connection with Hajipur Town P.S. Case No. 1025 of 2021 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 absence on two consecutive dates without sufficient reason, his 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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