

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68526 of 2022

Arising Out of PS. Case No.-265 Year-2022 Thana- DELHA District- Gaya

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Bittu Paswan S/O Late Doman Paswan R/O Village- Kharkhura Paswan Toli,
P.S- Delha, District- Gaya

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Sunil Kumar Yadav, Adv.

For the State : Mr. Kumar Veerendra Narayan, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 04-03-2023 This matter has been taken up today for consideration
through video conferencing.

Heard learned counsel for the petitioner and the learned
APP for the State.

The petitioner seeks bail in connection with Delha PS
Case No. 265 of 2022, registered for the offence punishable
under Sections 25(1-b)a / 26 of the Arms Act.

Learned counsel for the petitioner submits that the
petitioner, having no antecedents, has remained in custody since
18-08-2022.

As per First Information Report (*for brevity 'FIR'*) there
is recovery of three (03) live cartridges and one (01) *Khokha*
from the petitioner.

The learned Additional Sessions Judge-XV, Gaya, while
rejecting the petitioner's prayer for bail, has committed an error
of record by recording that a pistol was also recovered, as per
the FIR, though there is no such allegation in the FIR. Even as



per the seizure memo, there is only recovery of three (03) live cartridges and one (01) *Khokha* from the petitioner. The allegation is false and motivated. The investigation is complete.

The learned APP for the State has opposed the prayer for bail. However, he is not in a position to deny that FIR and seizure memo discloses recovery of only three(03) live cartridges and one (01) *Khokha* from the petitioner.

Considering the rival submissions, period of custody and the fact that investigation is complete, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.

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 the learned J. M. 1st Class, Gaya, in connection with Delha PS Case No. 265 of 2022, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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