

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73264 of 2023

Arising Out of PS. Case No.-194 Year-2023 Thana- BUXAR MUFFSIL District- Buxar

PARSHURAM PATHAK SON OF LATE RAMAYAN PATHAK RESIDENT
OF VILLAGE - IJARI SRIRAM, POLICE STATION - BUXAR (M),
DISTRICT - BUXAR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arjun Prasad, Advocate

For the Opposite Party/s : Mr.Ganesh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 23-11-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is in judicial custody in connection with Buxar (Muffasil) P.S. Case No. 194 of 2023 registered under Sections 25 (1-B)a, 26, 27 and 35 of the Arms Act lodged on 24.04.2023 by the informant, Manoranjan Prasad Ray.

3. As per the prosecution story, the police received information from the '*chowkidar*' that the accused persons resorted to indiscriminate firing. Upon reaching the place of occurrence, they found accused persons having gun and countrymade revolver in their hand standing in front of the house of the petitioner herein and a dead person was laying there with a countrymade revolver near the body. Two barrel gun, 24 pieces of live cartridges and countrymade revolver



beside motorcycle were seized. While for the alleged killing of the person, Buxar (Mufassil) P.S. Case No. 193 of 2023 was lodged under Sections 302, 307, 504 and 506/34 of the Indian Penal Code; for the arms that were seized, Buxar (Muffasil) P.S. Case No. 194 of 2023 was lodged under Sections 25 (1-B)a, 26, 27 and 35 of the Arms Act.

4. The petitioner was caught red handed along with his licensed double barrel gun of 12 bore with live cartridges and is in custody since 24.04.2023 (as stated in paragraph-12 of the petition).

5. Mr. Arjun Prasad, learned counsel for the petitioner submits that prior to both the cases, his son had already lodged FIR vide Buxar (M) P.S. Case No. 191/2023 against the family members of the deceased (Annexure P/2 to the bail petition). He further submits that the present case is confined to the seizure of the licensed weapon which he has already surrendered before the concerned authority on 25.04.2023 and has suffered by being in custody for more than six months. It is his further submissions that irrespective of the subject to the outcome of the present case, he on his own would like to contribute to the Chief Minister Relief's Fund to the tune of Rs. 50,000/- to be deposited through bank draft issued by the local State Bank of



India before the concerned Court.

6. Mr. Jitendra Kumar Singh, learned APP on the other hand submits that a bare perusal of number of criminal antecedents of the petitioner would show how brazen attitude he is having in showing thumbs towards the law of the land repeatedly since last several years. As such, he opposes the prayer for bail.

7. From the materials on record, it is clear that due to indiscriminate firing, a death occurred as the body was found laying there along with the countrymade revolver. However, the facts remains that there is a case and counter case, this case is found to the alleged seizure of the double barrel gun, FIR lodged, he will be ultimately facing the trial, this Court is satisfied that the petitioner can have the privilege of bail which is subject to payment of Rs. 50,000/- to the Chief Minister Relief's Fund, as undertaken by the learned counsel for the petitioner.

8. Let the petitioner be released on bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Buxar in connection with Buxar (Muffasil) P.S. Case No. 194 of 2023 subject to the following conditions:



(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

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