

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.74291 of 2022**

Arising Out of PS. Case No.-7 Year-2022 Thana- SUPPI District- Sitamarhi

JITENDRA PASWAN S/O MAHENDRA PASWAN Resident of village-  
Musachak, P.S.- Bairstania, District- Sitamarhi.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Hans Lal Kumar, Adv.

For the Opposite Party/s : Mr. Syed Ehteshamuddin, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

3      23-06-2023                      Heard learned counsel for the petitioner and learned  
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since  
12.08.2022 in connection with Suppi P.S. Case No.07/2022,  
F.I.R. dated 06.01.2022, for the offences punishable under  
Sections 395 of the IPC, Section 27 of the Arms Act & Section  
34 Explosive Substance Act.

According to prosecution case, while the informant  
was sleeping in his house along with his family members he  
heard the sound of gun shot and after waking up, he saw 20-30  
persons were breaking the main door of his residence and  
threatening of dire consequences. Thereafter he went at the roof  
and raised alarm then the accused persons fled away.

Learned counsel for the petitioner submits that the



petitioner has has falsely been implicated in the present case. He further submits that the petitioner is not named in the F.I.R. The name of the petitioner has been transpired during investigation on the basis of self confession of the petitioner and till date no T.I.P. has been conducted by the prosecution. He further submits that nothing has been recovered from conscious possession of the petitioner and the police after investigation submitted the charge sheet under Sections 395/397 of the Indian Penal Code, Section 27 of the Arms Act and Section 3/4 of Explosives Substance Act against the petitioner and the petitioner is in custody since 12.02.2022.

Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries three criminal antecedent other than the present one.

Considering the aforesaid facts and circumstances, 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, Sitamarhi in connection with Suppi P.S. Case No. 07/2022, subject to the following conditions:-

1. 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.

2. 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.

3. 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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