

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74626 of 2022

Arising Out of PS. Case No.-129 Year-2022 Thana- NOKHA District- Rohtas

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RADHA PASWAN @ RADHE PASWAN @ VISARJAN PASWAN S/O
LAKHAN PASWAN @ RAM LAKHAN PASWAN Resident of village-
Kadwan, P.S.- Nokha, District- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shankar Kumar, Advocate

For the Opposite Party/s : Mr.Ashok Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 17-04-2023 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is an accused in connection with
Nokha P.S. Case No. 129 of 2022 registered for the offences
under sections 399, 402, 120(B) and 34 of the Indian Penal
Code and sections 25(1-B)a, 26 and 35 of the Arms Act lodged
on 16.04.2022 by the informant, Rajesh Kumar.

As per the prosecution story, upon secret information,
the police force proceeded to the place of occurrence and found
that eight persons were assembled there and three motor-cycles
were also parked there. At the sight of police force, miscreants



started fleeing away. However, the police force managed to apprehend four of them but other four miscreants managed to escape. On interrogation, the apprehended miscreants named themselves as Raja Kumar @ Prince Kumar, Chandan Kumar, Aashish Kumar and Vivek Kumar @ Munna. The miscreants who managed to escape away were named as Radhe Paswan, Ajay Kumar @ Tiger Pasi, Ashok Kumar Dhelawa and Shikendra Paswan. They also disclosed that they were planning to commit loot of passersby.

The apprehended miscreants were duly searched and thereupon, Raja Kumar @ Prince Kumar was found in possession with a country made pistol of 315 bore. He was also found in possession with a Samsung mobile in which SIM No. 9199389161 was inserted. Accused, Aashish Kumar was found in possession of country made pistol alongwith two live cartridges and a mobile set. Chandan Kumar was also found in possession of another country made pistol and two live cartridges, one knife, a VIVO mobile and Oppo Company mobile. Vivek Kumar @ Munna was also found in possession with a country made revolver and three live cartridges. A pulsar motor-cycle with Reg. No. BR 24 AF 8997, another black colour Pulsar motor-cycle of 220 CC with Reg. No. BR 24 AB



4491, another black colour Passion Pro motor-cycle with Reg. No. BR 24 T 3556 was recovered under the archaic of peepal tree. No document in support of motorcycle and arms and ammunition was/were produced by the apprehended miscreants. A seizure list was duly prepared and miscreants were apprehended. Accordingly, the FIR.

It has been contended by the learned counsel for the petitioner that he was not arrested from the spot nor anything recovered from his actual possession rather his name has come in the confessional statement of apprehended persons and only because he has criminal antecedent, he is in custody since 14.08.2022 (as stated in paragraph-15 of the petition).

Learned APP opposes the prayer for bail stating that he has criminal antecedent.

Considering the fact that nothing has been recovered from his conscious possession nor he was present at the spot, the name has come in the confessional statement and he is in custody since 14.08.2022, this Court is inclined to extend him privilege of bail with conditions in view of the fact he has criminal antecedent.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of



like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-I, Sasaram (Rohtas) in connection with Nokha P.S. Case No. 129 of 2022, subject to the condition-:

(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.

(vi) the petitioner shall cooperate in the investigation



and make himself available to the police as and when required.

With the aforesaid observations, the bail application is
allowed.

(Rajiv Roy, J)

Jagdish/Neha/-

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