

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2318 of 2023

Arising Out of PS. Case No.-428 Year-2022 Thana- PARSABAZAR District- Patna

Rahul Kumar, Son of Arvind Paswan R/o Mohalla- Bharatpur Simli, P.S-
Malsalami, Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 8784 of 2023

Arising Out of PS. Case No.-428 Year-2022 Thana- PARSABAZAR District- Patna

Suuny Kumar, S/O Raj Kumar Paswan R/O Mohalla- Bharatpur Simli, P.S-
Malsalami, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 2318 of 2023)

For the Petitioner/s : Mr. Arvind Kumar Pradhan, Advocate

For the Opposite Party/s : Mr. Tarun Prasad Mandal, APP

(In CRIMINAL MISCELLANEOUS No. 8784 of 2023)

For the Petitioner/s : Mr. Arvind Kumar Pradhan, Advocate

For the Opposite Party/s : Mr. Umanath Mishra, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 26-04-2023 Learned counsel for the petitioners are permitted to
remove the defect(s), if any, as pointed out by the office, within
a period of four weeks from today.

Since both the applications are arising out of similar
P.S. case, hence they have been heard together and disposed off
by a common order with the consent of the parties.



Heard Mr. Arvind Kumar Pradhan, learned counsel for the petitioners in both the cases and learned Additional Public Prosecutors for the State.

Applications have been filed for grant of bail to the petitioners, who are in custody, in connection with Parsa Bazar P.S. Case No. 428 of 2022, registered for the offences punishable under Sections 25(1-B)(a)/26/35 of the Arms Act.

The police on a secret information, in course of patrolling, apprehended the petitioners and others and in course of search, from the possession of the petitioner (Rahul Kumar) one live cartridge and from the possession of the petitioner (Suuny Kumar) two live cartridges were recovered.

Learned counsel appearing on behalf of the petitioners submits that in fact nothing has been recovered from the possession of the petitioners, however, only on account of some oblique reason, the names of the petitioners have been implicated in this case showing recovery of 1-2 cartridges, though the cartridges without arms are of no use. He next submitted that both the petitioners are in custody since 30.08.2022 and now the investigation of the crime is complete and the charge-sheet has been submitted.

On the other hand, learned APPs. for the State



opposed the bail applications and submit that so far as the petitioner (Suuny Kumar) is concerned, he is named in one another criminal case.

Regard being had to the submissions made on behalf of the parties and considering the nature of recovery, coupled with the period of custody, let the petitioners, abovenamed, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned C.J.M., Patna in connection with Parsa Bazar P.S. Case No. 428 of 2022, subject to the condition that one of the bailors will be the close relatives of the petitioners with further conditions which are as follows:-

(i) The petitioners will cooperate in conclusion of the trial.

(ii) They will remain present on each and every date of trial till disposal of the case.

(iii) They will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, their bail bonds will liable to be cancelled.

(v) The court below shall verify the criminal



antecedent of the petitioner (Suuny Kumar) and in case, at any stage, it is found that the petitioner (Suuny Kumar) has concealed his criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioner (Suuny Kumar). However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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