

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20872 of 2024

Arising Out of PS. Case No.-76 Year-2023 Thana- RAHIKA District- Madhubani

Dipak Paswan, S/O Ramdev Paswan, R./O Village- Jagatpur Dakshinwari Tol,
P.S- Rahika, Distt.- Madhubani.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prabhakar Thakur, Advocate

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

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 02-04-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Rahika P.S. Case No. 76/2023 lodged on 20.04.2023 under
Sections 25(1-b) A, 26 and 35 of the Arms Act.

3. As per the prosecution case, the FIR has been
lodged against six named accused persons, including the present
petitioner. The allegation of recovery of arms is there in the FIR.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. The
petitioner was neither apprehended from the place of occurrence
nor any incriminating article has been recovered from his
possession, but only on the basis of the disclosure made by
a co-accused, the petitioner has been dragged in this case. There



is one criminal antecedent of the petitioner in which he is on bail. Rahika P.S. Case No. 76/2023 and Rahika P.S. Case No. 75 of 2023 both have been lodged on the same date. He specifically submits that no arms have been recovered from the conscious physical possession of the petitioner. The petitioner was arrested in another case and from that case, he has been remanded in the present case.

5. Learned counsel for the State opposes the prayer for bail.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of ACJM, IV, Madhubani, subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure with other following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *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 bail



bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

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

(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.

(Dr. Anshuman, J)

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