

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33001 of 2024

Arising Out of PS. Case No.-74 Year-2024 Thana- RAGHOPUR District- Supaul

Ashok Swarnkar @ Ashok Kumar Swarnkar @ Asok Kumar Swarnkar Son of
Late Ram Chandra Swarnkar Resident of Village- Simrahi , Ward No- , P.S-
Raghopur, Dist- Supaul

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dr. Rajesh Kumar Singh, Adv.

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

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 26-07-2024

1. Heard the parties.

2. Petitioner seeks regular bail in connection with
Raghopur P.S. Case No. 74 of 2024 dated 05.03.2024 registered
for the offence(s) punishable under Section(s) 353, 504 read
with section 34 of the Indian Penal Code and under sections
25(1-B)(a), 26 and 35 of Arms Act.

3. Mr. Rajesh Kumar Singh, learned counsel for the
petitioner submits that the F.I.R. clearly shows that the house of
the petitioner was raided in the night by the police party and at
that time the police personnel were in civil dress so no wrong
was committed by the petitioner and his family members in
opposing the act of the said police personnel as at the time of
raid no search warrant was produced or shown to the family



members of the petitioner by any of the police personnel. It is further submitted that no recovery of any fire arm was made from the person of the petitioner or his specific possession rather the recovery is said to have been made from the roof of the house of the petitioner and person of the petitioner's son. The petitioner and his brother, Manoj Kumar are jointly residing in the same house and in this regard, specific statement has been made in paragraph 8 of the petition. It is further submitted that petitioner is an old person and his health condition is not good and recently he was referred to Lalit Narayan Sub divisional Hospital, Birpur by the Jail superintendent, Birpur and in this regard, Annexure-3 is relevant. Learned counsel further submits that petitioner has been languishing in jail since 05.03.2024 and against him, investigation has been completed.

4. Mr. Jitendra Kumar Singh, learned APP appearing for the State opposes the bail prayer.

5. Having regard to the above submissions and mainly considering the petitioner's old age as well as his health condition coupled with the completion of investigation against him and also, the fact, that as per above submission the alleged fire arms are not said to have been recovered from the specific possession of this petitioner who has taken the plea that he and



his brother are jointly residing in the alleged house from where the recovery of fire arms was made, in my opinion, in the said circumstances, the petitioner deserves to the privilege of bail. Accordingly, let the petitioner named-above be released on bail in connection with Raghopur P.S. Case No. 74 of 2024 on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned.

(Shailendra Singh, J)

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