

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35417 of 2024

Arising Out of PS. Case No.-69 Year-2023 Thana- Rampur Chauram District- Arwal

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Santosh Paswan Son of Shravan Paswan R/O Vil.- Asoi lachiram,
Bhagwanpur Dist.- Vaishali

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Adv.

For the Opposite Party/s : Mr. Akbar Ali, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

7 28-08-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Rampur Chauram P.S. Case No. 69 of 2023 dated 16.07.2023,
lodged under Sections 468, 471, 401 and 34 of the I.P.C. read
with Section 25(1-b)a, 26 and 35 of the Arms Act.

3. As per the prosecution case, the F.I.R. has been
lodged against three named accused persons including the
present petitioner, who has been apprehended by the police with
a motorcycle which was alleged to be the subject of theft/loot,
whose documents were not shown to the police.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. He submits
that the petitioner has been apprehended by the police only on

suspicion and arms have been recovered from the possession of other person. He further submits that the petitioner has been apprehended by the police only due to the reason that his antecedent is not clean. Police has arrested him from his house. He further submits that the petitioner is in custody since 17.07.2023 having seven criminal antecedents pending against him. He further submits that the Arms Act is not applicable in this case.

5. Learned A.P.P. for the State opposes the prayer for bail and submits that the antecedent of the petitioner is not clean and while granting bail, this aspect may be taken into consideration.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail (**only after framing of charge, if not framed**) on furnishing bail bonds of Rs. 30,000/- (Rupees Thirty Thousand Only) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Arwal in connection with Rampur Chauram P.S. Case No. 69 of 2023, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

(i) one of the bailors 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.

7. It is made clear that the Trial Court shall accept the bail bond of the petitioner on being satisfied that he is not absconding in the cases pending against him, as follows:-

(i) Mahua P.S. Case No. 157 of 2019.

(ii) Parsa Bazar P.S. Case No. 63 of 2016.

(iii) Dhanarua P.S. Case No. 407 of 2017.

(iv) Danapur P.S. Case No. 723 of 2017.

(v) Kotwali P.S. Case No. 221 of 2020.

(vi) Makhdumpur P.S. Case No. 14 of 2020.

(vii) Rampur Chauram P.S. Case No. 63 of 2023.

8. With this observation, the bail application stands
allowed.

(Dr. Anshuman, J)

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