

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37512 of 2024

Arising Out of PS. Case No.-15 Year-2024 Thana- GAYA MUFASIL District- Gaya

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Bhayankar Paswan S/O Ram Bilash Paswan R/O Village- Manpur Gandhi
Nagar, P.S.- Muffassil, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Sharma

For the Opposite Party/s : Mr.Satya Nand Shukla

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CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA
ORAL ORDER

2 15-05-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Gaya
Muffasil P.S. Case No. 15 of 2024 instituted for the offences
under Sections 399 and 402 of the Indian Penal Code and
Sections 25(1-B)a, 26 and 35 of the Arms Act.

3. As per prosecution case, there has been recovery of
one mobile from the possession of the petitioner.

4. Learned counsel for the petitioners submitted that
the petitioner has falsely been implicated in the present case.
Charge-sheet has been submitted in this case. The petitioner has
no concern with the alleged arms and cartridges, which were
seized by the police. Only on the basis of suspicion, petitioner
has been implicated in the present case by the police due to his
criminal antecedent. No incriminating article has been recovered



from the conscious possession of the petitioner rather it has been recovered from other co-accused. The provision of Section 100 of the Cr.P.C. has not been followed in this case while preparing the seizure list. Moreover, it is submitted that the other co-accused has already been granted bail by this Court vide order dated 06.05.2024 passed in Cr. Misc. No. 34726 of 2024. The petitioner is in custody since 09.01.2024 and he has ten criminal antecedents.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the facts and circumstances of the case, the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail **after framing of charge, if not already framed**, on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Gaya Muffasil P.S. Case No. 15 of 2024.

(Rudra Prakash Mishra, J)

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