

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56855 of 2024

Arising Out of PS. Case No.-56 Year-2024 Thana- SAHIYARA District- Sitamarhi

Chandan Paswan @ Chandan Kumar, Son of Ram Ishwar Paswan, R/V-
Village- Shahpur Chhaurahiya, P.S.- Sahiyara, Distt.- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Santosh Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 31-08-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. In the present case, the petitioner is apprehending his arrest in connection with Sahiyara P.S. Case No. 56 of 2024 registered for the alleged offences under Sections 505/34 of the Indian Penal Code and Section 25(1)(a) of the Arms Act.

3. As per prosecution case, police arrested a person when his photo with a country made pistol went viral. The apprehended co-accused named this petitioner along with another co-accused who supplied him with the country made pistol and further confessed that he returned the pistol to this petitioner.

4. Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and has been



falsely implicated in this case merely on suspicion. Except for confessional statement of co-accused, there is no material against the petitioner to connect him with the offence as alleged. Petitioner was not apprehended from the spot and nothing incriminating has been recovered from his person or possession. From the facts of the case, no offence under the Arms Act is made out against the petitioner. Petitioner is having clean antecedent.

5. Learned APP opposes the submission made on behalf of the petitioner.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the vague nature of allegation against the petitioner and also considering the absence of substantive material to connect the petitioner with the offence as alleged coupled with his clean antecedent as well as possibility of false implication, let the petitioner named above, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Sitamarhi/court concerned in connection



with Sahiyara P.S. Case No. 56 of 2024, subject to the condition laid down under section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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