

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74245 of 2024

Arising Out of PS. Case No.-246 Year-2024 Thana- BALIYA District- Begusarai

1. Rakesh Kumar @ Rakesh Paswan son of Hare Ram Paswan village- Bhagatpur Ward no. 04, Ps- Ballia, dist- Begusarai
2. Gajan Kumar Son of Hare Ram Paswan village- Bhagatpur Ward no. 04, Ps- Ballia, dist- Begusarai

... .. Petitioner/s

Versus

The State of Bihar bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vinod Kumar Seth, Advocate

For the Opposite Party/s : Mr.Ram Sumiran Rai, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 23-10-2024

Heard the parties.

2. The petitioners are in judicial custody in connection with Ballia P.S. Case No. 246 of 2024 for the offence punishable under Sections 25(1-B)a,26,35 of the Arms Act lodged on 31.07.2024 by the informant, Veenit Kumar.

3. As per the prosecution story, the informant alleged that upon secret information, the house of Rakesh Paswan was raided, those present named themselves as Rakesh Paswan, Gajan Paswan and Md. Faiyaj and upon search, country made revolver recovered under the bed. Accordingly, the FIR.

4. Learned counsel for the petitioners submit that the recovery/seizure is from the joint house for which they cannot



be implicated, have already suffered by being in custody since 31.07.2024 (para-12 of the petition) having no criminal antecedent.

5. Learned APP opposes the prayer submitting that the recovery/seizure is from the house.

6. Taking into account the aforesaid submission put forward by the parties as also that the said recovery/seizure is from the joint house, they do not have criminal antecedent and are in custody since 31.07.2024, this Court is inclined to extend them the privilege of bail with conditions.

7. Let the petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai, in connection with Ballia P.S. Case No. 246 of 2024 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show his/her bona fide;

(ii) the petitioners 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 their bail bond by the Trial Court itself;



(iii) the petitioners shall appear before the concerned police station every fortnight for next six months to mark their attendance;

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

(v) the petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Rajiv Roy, J)

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