

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76278 of 2024

Arising Out of PS. Case No.-320 Year-2023 Thana- HAJIPUR SADAR District- Vaishali

Rohit Kumar @ Rohit Paswan Son of Balindar Paswan R/O Vill.- Balba
Koari @ Baladhari Vishunpur, P.S.- Sadar Hajipur, Dist.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 28-10-2024 Heard the parties.

2. The petitioner is in custody in connection with Hajipur Sadar P.S. Case No. 320 of 2023 for the offence punishable under sections 25(1-B)a, 26 and 35 of the Arms Act lodged on 05.05.2023 by the informant, Bina Kumari.

3. As per the prosecution story, the informant alleged that on 05.05.2023, in course of patrolling, it apprehended Rohit Kumar and Badal Kumar and recovered/seized country made loaded pistol and live cartridges from this petitioner and one live cartridge from Badal Kumar. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that only because of his criminal antecedents, he has been implicated for which has already suffered by being in custody since 06.05.2023 (paragraph-1 of the petition).



5. Learned APP opposes the prayer for bail submitting that he has criminal antecedents of the same nature.

6. Though the antecedents are there, the fact remains that he has remained in custody since 06.05.2023 i.e. more than a year and taking into account, the aforesaid submissions of the petitioner as also that an undertaking has been given that he shall be diligently appearing in trial, this Court is inclined to extend him the privilege of bail with conditions.

7. Let the petitioner 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, Vaishali at Hajipur, in connection with Hajipur Sadar P.S. Case No. 320 of 2023. subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her 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 bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned



police station every month till conclusion of the trial to mark his attendance;

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

(Rajiv Roy, J)

Adnan/-

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