

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78078 of 2024

Arising Out of PS. Case No.-171 Year-2024 Thana- CHAINPUR District- Kaimur (Bhabua)

Paras Rajbhar Son of Behau Rajbhar R/O-Village -Ramgarh, PS -Chainpur,
District -Kaimur (Bhabua)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sarfraz Ahmad, Advocate

For the Opposite Party/s : Mr. Pawan Kumar Chaurasia, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 30-10-2024 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with
Chainpur P.S. Case No. 171 of 2024 instituted for the offences
under Sections 25(1-B)a, 26, 35 of the Arms Act.

3. As per prosecution case, the accusation against the
petitioner is of keeping illegal arms in his house as also using
the same to create terror in the society. On receipt of such
information, the Police conducted raid at the house of the
petitioner and recovered two country made gun, one ejector and
two empty cartridges from the house of the petitioner.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence as alleged
against him and has falsely been implicated in the present case.



He further submits that in fact nothing incriminating has been recovered from the conscious possession of the petitioner. There is a non-compliance of Section 100 of the Cr.P.C. which creates a serious doubt in the prosecution case. The petitioner has no criminal antecedent and is languishing in judicial custody since 16.05.2024 without any rhymes or reason. Charge sheet has already been submitted in this case. Other co-accused has been granted bail by this Court *vide* order dated 04-09-2024, passed in Cr. Misc. No. 61487 of 2024.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner and the petitioner having no criminal antecedent, let the petitioner, abovenamed, 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 Chainpur P.S. Case No. 171 of 2024, subject to the following conditions:

(I) One of the bailors shall be own/close member of the



family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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