

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81778 of 2024

Arising Out of PS. Case No.-347 Year-2024 Thana- KHAGARIA District- Khagaria

Diwakar Paswan S/O Devrat Paswan Resident of Village- Mathurapur PS-
Khagaria District- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rahul Singh, Advocate

For the Opposite Party/s : Mr.Sunil Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 04-12-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Khagaria P.S. Case No. 347 of 2024, registered on 27.06.2024 for the alleged offences under Sections 25(1-B)a/26 of the Arms Act.

3. As per prosecution case, a raid was conducted in the house of the petitioner when police received information about petitioner coming to his house with firearms and ammunition and recovery of loaded country made pistol was made from the bed of the petitioner.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this



case and no offence as alleged has ever taken place. There is no compliance of Section 100 of the Code of Criminal Procedure. The petitioner has got antecedent of six cases but all the cases are registered in the same police station and in three of such cases, he is on bail. The petitioner in custody since 27.06.2024 and charge sheet has been submitted.

5. Learned APP opposes the submission made on behalf of the petitioner. Learned APP submits that the petitioner is a habitual offender and accused in offences of serious nature.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the period of custody of the petitioner and submission of charge sheet, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Khagaria/concerned Court in connection with Khagaria P.S. Case No. 347 of 2024, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the 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.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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