

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4435 of 2024

Arising Out of PS. Case No.-502 Year-2022 Thana- NAGAR District- Vaishali

Kantlal Paswan @ Kantlal Kumar @ Kantlal Kunwar Son of Vishundeo
Paswan R/o vill - Rahimapur, P.s. - Bidupur, Distt. - Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mahendra Thakur, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 05-02-2024

Heard the parties.

2. The petitioner is in judicial custody in connection with Sessions Trial No. 253 of 2023 arising out of Hajipur Town P.S. Case No. 502 of 2022 for the offence punishable under Sections 414, 413/34 of the Indian Penal Code and section 25(1-B)a, 26,35 of the Arms Act lodged on 4.7.2022 by the informant, Pramod Kumar Singh.

3. As per the prosecution story, in course of vehicle check, Rakesh Kumar and this petitioner were apprehended, as they tried to escape. Upon search, from the possession of Rakesh Kumar, a country made pistol was recovered/seized. Further, on their confession, the stolen items were recovered from the house of Rakesh Kumar. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that



there is recovery from the house of Rakesh Kumar beside country made pistol from the possession of said Rakesh Kumar. So far as, this petitioner is concerned, neither there is recovery from his possession nor it is alleged that anything has been recovered from his house. Last submission is that Rakesh Kumar has been granted bail in Cr. Misc. No. 70077 of 2022 on 20.3.2023 by a coordinate bench.

5. Learned APP opposes the prayer for bail stating that he has criminal antecedents.

6. Taking into account the aforesaid submission put forward by the parties as also that he is in custody since 5.7.2022 (para-4 of the petition) and the other co-accused Rakesh Kumar has been granted bail, as stated above, 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) with two sureties of like amount each to the satisfaction of learned A.S.J.-XII, Vaishali at Hajipur, in connection with Sessions Trial No. 253 of 2023 arising out of Hajipur Town P.S. Case No. 502 of 2022 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his



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 for next one year 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.

8. With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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