

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3924 of 2024

Arising Out of PS. Case No.-54 Year-2022 Thana- SHERGHATI District- Gaya

Hirday Paswan @ Hriday Paswan SON OF KAMAL PASWAN V ILL-
KAMALDAH, PS-PARAIYA, GAYA

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vinod Kumar, Adv.

For the Opposite Party/s : Mr.Mithlesh Kumar Khare, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 08-02-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Sherghati P.S. Case No. 54 of 2022 registered for the offences punishable under Section 414/34 of the Indian Penal Code read with Sections 25(1-b)a/26/37/27 of the Arms Act.

3. As per prosecution case, there is alleged recovery of one country made loaded pistol from the possession of apprehended co-accused Nitish Kumar and after unloading the same, live cartridge of .315 bore was also recovered. Apprehended co-accused Nitish Kumar disclosed the name of the petitioner who succeeded in fleeing away from the place of occurrence.

4. Learned counsel for the petitioner submits that



petitioner is quite innocent and has committed no offence as alleged against him in F.I.R. He further submits that except disclosure of the said co-accused, there is nothing on record to demonstrate the complicity of the petitioner with the alleged occurrence. No incriminating article has been recovered from the possession of the petitioner. Petitioner is in custody since 24.07.2023 and bears criminal antecedent of five cases in which he is on bail. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that apprehended co-accused Nitish Kumar, from whose possession recovery of one country made pistol has been made, has already been granted bail by the Co-ordinate Bench of this Court vide Cr. Misc. No. 50968 of 2022 and the case of present petitioner stands on better footing keeping in view that petitioner is not apprehended on the spot and no incriminating article has been recovered from his possession.

5. The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, period of custody, co-accused has already been granted bail, charge sheet has been submitted in the case and there is no



likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M., Ist, Sherghati, Gaya in connection with Sherghati P.S. Case No. 54 of 2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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