

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18431 of 2025**

Arising Out of PS. Case No.-193 Year-2022 Thana- BARIYARPUR District- Munger

Raja Kumar @ Raja Paswan S/O Krishnadev Paswan R/O Village-Bariyarpur
Basti,P.S-Bariyarpur,Dist- Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Shashi Saurabh, Advocate
	:	Ms.Puja Kumari, Advocate
For the Opposite Party/s	:	Mr.Bhanu Pratap Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 24-04-2025 Heard Mr.Shashi Saurabh, learned counsel for the
petitioners and Mr.Bhanu Pratap Singh, learned Additional
Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Bariyarpur P.S.Case No.193 of 2022,FIR dated 23.11.2022 registered for the offences punishable under Sections 399,402of IPC and Section 25(1-b)a,26(i)(ii)/35 of Arms Act.

3. The case relates to recovery of one country made pistol from possession of co-accused person, namely, Shubham Kumar, after open pistol one live cartridge also recovered and one Khokha was also recovered from his pocket.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent. He has falsely been implicated



in the present case. It appears from the FIR that although the petitioner is named in the FIR but it appears from the FIR that the name of the petitioner has been transpired during investigation on the basis of the disclosure made by co-accused person, namely, Shubham Kumar and arms has been recovered from possession of co-accused person, namely, Shubham Kumar and except the disclosure made by co-accused person, namely, Shubham Kumar, no other cogent material has come during investigation against the petitioner to suggest the involvement of the petitioner in the present occurrence.

5. Learned A.P.P. for the State has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts, petitioner has clean antecedent and the name of the petitioner has been transpired during investigation on the basis of the disclosure made by co-accused person, namely, Shubham Kumar, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.10,000 (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned J.M. 1st Class, Munger in connection with Bariyarpur P.S.Case No.193 of



2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/ Section 482(2) of BNSS, 2023 and with other following conditions:-

(I) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(II) 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.

(III) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his/her criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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