

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26183 of 2025

Arising Out of PS. Case No.-138 Year-2024 Thana- Geedha District- Bhojpur

Mehilal Paswan, male, aged about 19 years, son of Sita Paswan, resident of Village- Gidha, P.S- Gidha, Distt.- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shiv Prasad Gupta, Advocate

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

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

3 15-05-2025 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. The petitioner seeks bail in connection with Gidha PS Case No.138 of 2024 dated 24.09.2024, instituted for the offence punishable under Sections 310(4), 310(5), 317(5) of the *Bharatiya Nyaya Sanhita*, 2023 and Sections 25(1-b)a, 26 and 35 of the Arms Act.

3. The case of the prosecution, in brief, is that the informant, who is a Sub Inspector of Police, got secret information that the petitioner along with other accused persons have assembled in the new/semi constructed house of the co-accused, Ujala Kumar @ Karan Paswan, for committing crime and accordingly the police raided the house of the co-accused and on search one live cartridge was recovered from the



possession of the petitioner.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner is a labourer and police has falsely implicated him due to ulterior motive. Petitioner has no concern with the alleged recovery. Charge-sheet has been submitted in the case. It is also submitted that co-accused, Dara Kumar Singh and Ujala Kumar @ Karan Paswan, have been granted bail today itself by this Court vide Cr. Misc. No.9410 of 2025. Lastly, it is submitted that the petitioner is in custody since 24.09.2024 and one criminal case is pending against the petitioner.

5. Learned APP has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Bhojpur at Ara, in Gidha PS Case No.138 of 2024, subject to the conditions (i) that the petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without



sufficient reason, his bail bond shall be cancelled by the Court below, (ii) that one of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife, (iii) that the bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse, and (iv) that 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.

7. The application stands allowed.

(Khatim Reza, J)

J. Alam/-

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