

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28340 of 2025

Arising Out of PS. Case No.-846 Year-2019 Thana- LAKHISARAI District- Lakhisarai

Kundan Paswan Son of Late Indradev Paswan @ Inerjeet Paswan R/mohallah
- Kabaiya Road, Ward No. 32, P.S - Kabaiya, Dist. - Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Jagdhar Prasad, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 05-05-2025 Heard learned counsel for the petitioner
and learned APP for the State.

2. The petitioner seeks bail in connection with Lakhisarai P.S. Case No. 846 of 2019 instituted for the offences under Sections 25(1-b)/A/25(1-AA)/26(i) of the Arms Act and Section 37(b)(c) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, the police has recovered one pistol along with eight live cartridges. Further allegation is of consuming liquor which is banned in the State of Bihar.

4. The present case is a misuse of grant of bail. Learned counsel for the petitioner submits



that the petitioner has earlier moved before this Court with a prayer for bail which was allowed by a Co-ordinate bench of this Court vide order dated 11.09.2020 passed in Cr. Misc. No. 22840 of 2020 with certain conditions. He further submits that the petitioner was all along bail since 11.09.2020 which was granted by this Hon'ble Court. He further submits that the cognizance was taken against the petitioner on 10.02.2020 and the charge has also been framed on 24.02.2020. The prosecution has already examined six witnesses and the evidence has been closed at the request of the prosecution and the case was fixed for statement of 313 Cr.P.C. of the petitioner. On 11.01.2025, the petitioner was arrested by the police and was produced before the court below. On 25.02.2025, the defence evidence also closed and the case is pending for final argument. Learned counsel for the petitioner further submits that the bail bond of the petitioner was cancelled on 23.08.2023.

5. Learned counsel for the petitioner



further points out that the petitioner had no knowledge about the process and position of the case due to miscommunication by the Advocate of the case as the petitioner was a labourer and lives in Punjab for his livelihood. The petitioner has three criminal antecedents and is languishing in judicial custody since 11.01.2025.

6. Learned counsel for the petitioner lastly gives undertaking on behalf of the petitioner that the petitioner will never misuse the privilege of bail in future.

7. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

8. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner as also considering the undertaking given by the learned counsel for the petitioner, let the petitioner, abovenamed, 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 Court below/concerned Court in connection with Lakhisarai P.S. Case No. 846 of 2019 , subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family members of the petitioner.

(ii) The petitioner shall cooperate 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 in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

rishi/-

U		T	
---	--	---	--

