

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75499 of 2024

Arising Out of PS. Case No.-72 Year-2021 Thana- DAUDNAGAR District- Aurangabad

Pawan Kumar Son of Kesh Narayan Singh Resident of Village - Rampur, P.S.
- Obra, District - Aurangabad, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kumar Ravish, Advocate

For the Opposite Party/s : Md. Mushtaque Alam, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 17-01-2025 Heard Mr. Kumar Ravish, learned counsel for the

petitioner and Md. Mushtaque Alam, learned Additional Public

Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Daudnagar P.S. Case No. 72 of 2021, F.I.R. dated 12.02.2021 for the offences punishable under Sections 25(1-b)a,26/35 of the Arms Act.

3. According to prosecution case, on secret information the informant along with other police personnel raided at the house of Kalyan Kumar @ Rajnish Kumar. On seeing the Police, a person started fleeing away but somehow he was apprehended by the Police who disclosed his name as Kalyan Kumar @ Rajnish Kumar. On search a country made pistol loaded with a live cartridge has been recovered from the



left side of his waist. As per his disclosure, a country made pistol a magazine loaded with two live cartridges have been recovered from below the pillow of his bedroom. A rifle has been recovered from the bed of another room where Munna Singh @ Manish Kumar and Kulayam Singh @ Nitish Kumar were sleeping. No relevant papers were produced by him as such the same have been seized and seizure list was prepared accordingly. Kalyan Kumar @ Rajnish Kumar disclosed the name of his other accomplices including the petitioner. Hence, this FIR has been registered.

4. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that the name of the petitioner has been transpired on the basis of the disclosure made by the co-accused person. He further submits it appears from the FIR that nothing has been recovered from the conscious possession or from the house of the petitioner and except the disclosure made by the co-accused person no other cogent material has come during the investigation to suggest the involvement of the petitioner in the present occurrence.

5. Learned Additional Public Prosecutor for the State, on the other hand, has vehemently opposed the prayer for bail of



the petitioner and submits that petitioner carries one more case other than the present one but fairly submits on the basis of the paragraph no.3 of the bail petition that the petitioner has been acquitted in the pending matter.

6. Considering the aforesaid facts that nothing has been recovered from the conscious possession of the petitioner and name of the petitioner has been transpired in the case on the basis of the disclosure made by the co-accused person, let the petitioner, above named, in the event of 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 the learned Judicial Magistrate, Aurangabad in connection with Daudnagar P.S. Case No. 72 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/Section 482 (2) of the B.N.S.S., 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 absence on two consecutive dates without sufficient reason, his 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 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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