

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87773 of 2024**

Arising Out of PS. Case No.-48 Year-2009 Thana- GURARU District- Gaya

Arjun @ Arjun Paswan @ Ramesh @ Ramesh Paswan Son of Nanhak
Paswan Resident of village- Chapra, PS- Bandeya, Distt.-Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Madhura Nand Jha, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 08-01-2025 Heard the parties.

2. The petitioner is in judicial custody in connection with Guraru P.S. Case No. 48 of 2009 for the offence punishable under Sections 147, 148, 149, 323, 341, 342, 452, 380, 457 of the Indian Penal Code, 3/4/5 of the Explosive Substance Act and section 17 of Criminal Law Amendment Act lodged on 22.07.2009 by the informant, Dinesh Kumar.

3. As per the prosecution story, the informant alleged that he woke to the sound of the accused in Police dress/civil dress, when searching for his brother, naming themselves to be the part of MCC and damaged the property including the motorcycle and later left the place. This followed the FIR.

4. Learned counsel for the petitioner submits that number of persons were made accused, he never came to know that he has



also been named which resulted into his delay in coming into judicial custody, The FIR is of the year 2009. Further, he shall be diligently appearing in trial and the last submission is that irrespective of the outcome of the present case and/or accepting the allegation, the petitioner intends to contribute Rs.5000/- to the informant through Demand Draft issued by the local State Bank of India branch.

5. Learned APP opposes the prayer submitting that the matter is of the year 2009 and there is delay in coming into judicial custody has hampered the trial.

6. Considering the aforesaid submission put forward by the parties as also the fact that most of the persons are accused, he is in custody since 17.08.2024, an undertaking has been given that he shall be diligently appearing in trial and failure to do so, the Trial Court shall be free to cancel his bail bond, this Court is inclined to extend him the privilege of bail subject to payment of Rs.5000/- as undertaken by the learned counsel for the petitioner to be paid by Demand Draft of local SBI to be submitted to the trial Court and handed over to the informant after checking credentials.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned A.C.J.M.-X, Gaya, in connection with Guraru P.S. Case No. 48 of 2009 subject to the following conditions:



(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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