

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 3388 of 2025

Arising Out of PS. Case No.-285 Year-2024 Thana- HAJIPUR SADAR District- Vaishali

Sunil Paswan @ Sunil Kumar S/o- Lakhindra Paswan @ Lakhinder Paswan
Vill- Chakbaladhari, P.S. Hajipur Sadar, District-Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

6 02-07-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in a case registered for the alleged offences under Sections 399, 402, 412 of the Indian Penal Code, Sections 25(1-b)(a)/26/35 of the Arms Act and Sections 8, 20(b)(ii)(c) of NDPS Act.

3. As per the prosecution case, upon secret information about the assembly of more than a dozen miscreants, a raid was conducted and 5 co-accused persons were apprehended. From the apprehended co-accused persons, 1.140 kg of charas, firearms, cash, a mobile phone and a motorcycle were seized. The apprehended co-accused persons disclosed the names of the petitioner who fled away from the spot along with some other co-accused persons.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. Learned counsel for the petitioner has further submitted that nothing incriminating has been recovered from the person or possession of the petitioner who has been made accused in this case on the basis of confessional statement of co-accused persons. It has next been submitted that the similarly situated co-accused person Bittu Kumar has been granted bail by a coordinate bench of this Court vide order dated 30.04.2025 passed in Cr. Misc No. 24613 of 2025. Also co-accused Subodh Kumar and Adarsh Raj, from whom firearms were recovered, have been allowed privilege of regular bail by a Co-ordinate Bench vide order dated 26.10.2024 passed in Cr. Misc. Nos. 55499 of 2024 and 55639 of 2024, respectively. The case of the petitioner is on much better footing. Lastly, it has been submitted that the petitioner is in custody since 02.07.2024 and charge sheet has been submitted. The petitioner is having criminal antecedent of five cases and he is on bail in four of the cases.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that no recovery has been shown from this petitioner and



further considering the fact that the petitioner was not apprehended from the spot, submission of charge sheet, period of custody of the petitioner and grant of bail to other co-accused persons, the petitioner above named is directed to 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 learned Principal District & Sessions Judge, Vaishali at Hajipur/concerned Court in connection with Hajipur Sadar P.S. Case No. 285 of 2024, subject to the following conditions:

- (i) One of the bailors of the petitioner shall be his close relative.
- (ii) The petitioner shall remain physically present in Court on each date of the trial.
- (iii) In case of absence on two consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(iv) The learned 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 antecedents, 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. e. In view of the antecedent of the petitioner, the petitioner is directed to appear before the



Superintendent of the concerned district within fifteen days of his release with a copy of this order and every two weeks thereafter for the next nine months. The conduct of the petitioner will be kept under watch in this period by the Superintendent of Police concerned and if it is found wanting in any respect, a report shall be made to the court concerned by him to initiate a proceeding for cancellation of bail for reasons of misuse of bail. After reporting to the Superintendent of Police, a certificate will be filed by the petitioner before the court concerned.

7. It is made clear that the observations, if any, made in this order, shall be of no bearing during the trial.

(Sourendra Pandey, J)

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