

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.42496 of 2017

Arising Out of PS.Case No. -185 Year- 2016 Thana -BABUBARHI District- MADHUBANI

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Dev Kumar Paswan @ Debua, S/o Prabhu Paswan, R/o Village- Ramsalla,
P.s.- Sadar, District- Darbhanga.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Ratanakar Jha, Advocate.

For the Opposite Party : Mr. Akshay Lal Pandit, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 19-09-2017 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is languishing in custody since 19.11.2016 in connection with S.T. No. 18/17, arising out of Babu Barhi P.S. Case No. 185/2016 registered for the offences instituted under Sections 399, 400, 402, 414 of the IPC, 25 (1-b)A, and 26 of the Arms Act.

The prosecution story, in brief, is that on search the police recovered one live cartridge from possession of this petitioner.

It has been submitted by learned counsel for the petitioner that the petitioner is in custody since 19.11.2016 and the charge sheet has been submitted in the present case. The petitioner



has falsely been implicated in the present case due to mistake of fact. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has remained in custody for last 10 months. One live cartridge is said to have been recovered from possession of this petitioner. No compliance of Section 100 Cr. P.C. has been made in the present case.

It has been submitted by learned counsel for the State that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named, 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 Additional District & Sessions Judge-IIInd, Madhubani, in connection with S. T. No. 18/17 arising out of Babu Barhi P.S. Case No. 185/2016.

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(Sudhir Singh, J)

