

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20963 of 2019

Arising Out of P.S. Case No.-562 Year-2018 Thana- SAKRA District- Muzaffarpur

PAWAN KUMAR @ PAWAN PASWAN, age 28 yearsrs, Male, Son of Jagdish Paswan, Resident of Village- Gaddopur, P.S.- Bangra, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mritunjay Kumar Singh, Advocate

For the Opposite Party/s : Mr.Nirmal Kumar Sinha, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL ORDER

2 04-04-2019 Heard the learned counsel for the petitioner and
learned counsel appearing on behalf of the State.

Petitioner is languishing in judicial custody since 15.12.2018 in connection with Sakara P.S.Case No.562 of 2018 for the offence alleged under Section 393 of the Indian Penal Code and Sections 25(1-B)a, 26/35 of the Arms Act.

The prosecution case as lodged by the police personnel is that on alarm of persons snatching laptop from a shop, the police reached there and started chasing, on which one of the co-accused fled but petitioner along with co-accused Ramesh Paswan was apprehended. On search while from the possession of the co-accused one country made pistol and two live cartridges were recovered, from the possession of the petitioner, one live cartridge was recovered. Accordingly, a seizure list was prepared.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal antecedent and



has been falsely implicated in the aforesaid case. He submits that the laptop has not been recovered from the possession of the petitioner and that chargesheet has already been submitted, there being no allegation of tampering with the prosecution evidence and the petitioner is languishing in judicial custody since more than three months.

However, learned APP for the State opposes the prayer for bail.

Considering the nature of allegations, materials on record as well as the fact that the petitioner does not bear any criminal antecedent as stated in para-3 of the present application, let the petitioner, above named be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with Sakara P.S.Case No.562 of 2018 to the satisfaction of learned Additional Chief Judicial Magistrate-IV, Muzaffarpur subject to the condition that one of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.

(Nilu Agrawal, J)

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