

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17369 of 2020**

Arising Out of PS. Case No.-139 Year-2019 Thana- MADHEPUR District- Madhubani

BIKKY PASWAN @ MAHESH PASWAN Sonof Dukhi Das Paswan @
Dukhi Paswan Resident of Village - Chikna Ward No.5, P.S.- Ghoghardiha,
Dist.- Madhubani.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Jha

For the Opposite Party/s : Mr.Md. Anbzarul Haque Sahara

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER**

4 18-09-2020

The present petition has been taken up for consideration through the mode of Video Conferencing in view of the prevailing situation on account of COVID-19 Pandemic.

Heard the learned counsel for the petitioner and Md. Anbzarul Haque Sahara, the learned APP for the State.

The petitioner seeks regular bail in connection with Madhepur PS case no. 139 of 2019 instituted for the offences punishable under Section 302/34 of Indian Penal Code and 27 of Arms Act.

The allegation is regarding the co-accused person namely Shiv Kumar Mahato having fired gun shots on the father of the informant, whereafter the said Shiv Kumar Mahato and other accused persons had also assaulted the



informant and his father.

The learned counsel for the petitioner has submitted that the petitioner is innocent and has been falsely implicated in the present case. It is further submitted that the petitioner has been roped in the present case merely on account of his bad criminal antecedent and the fact is that the petitioner has got no complicity in the alleged occurrence. It is further submitted that as far as the criminal antecedent of the petitioner is concerned, it has specifically been stated in paragraph no. 5 of the bail petition that after the petitioner was arrested in connection with Phulparas PS case no. 383 of 2019, the police has remanded him in all the remaining four cases which have been lodged against unknown persons. It is submitted that there is no allegation of firing gun shots on the father of the informant as far as the petitioner is concerned, hence it would be in the interest of justice to admit the petitioner to the privilege of bail. The petitioner is said to be languishing in custody since 19.09.2019.

Having regard to the facts and circumstances of the case, considering the submissions of the learned counsel for the parties and taking into account the period of incarceration of the petitioner herein as also the fact that there is



minuscule evidence in the case diary as against the petitioner herein and moreover, there is neither any allegation of firing gun shots nor there is allegation of any sort of specific overt act *qua* the petitioner herein, the abovenamed petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-IIInd, Jhanjharpur, Madhubani in connection with Madhepur PS case no. 139 of 2019.

(Mohit Kumar Shah, J)

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