

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 26731 of 2020**

Arising Out of PS. Case No.-79 Year-2019 Thana- KATHAIYA District- Muzaffarpur

Bibhuti Kumar Paswan Son of Govind Paswan Resident of Village -
Kathaiyan, P.S.- Kathaiyan, District – Muzaffarpur ... Petitioner
Versus

The State of Bihar ... Opposite Party

Appearance :

For the Petitioner : Mr. Abhishek Kumar, Advocate
For the Opposite Party : Mr. Addl Public Prosecutor

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

2 13-10-2020 Heard learned counsel for the petitioner and the State through Video Conferencing.

The petitioner seeks bail in a case registered for the offence punishable under section 399 and other ancillary sections of the Indian Penal Code and under sections 25(1-B)a, 26/35 of the Arms Act.

Police, on information that some miscreants have assembled, raided a spot and arrested four persons on chase including the petitioner and recovered one pistol and six cartridges from his possession. Other miscreants managed to flee away.

Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Nothing incriminating has been recovered from his possession. Similarly situated co-accused Praveen Kumar Chaudhary @ Vikram @ Praveen Chaudhary, from whose possession a loaded Katta had been recovered, has already been allowed bail by a co-ordinate bench of this Court vide Annexure 2 to the bail petition. He is in custody since 26.5.2019.

In the facts of the case, prayer for bail of the petitioner



is allowed. Let the petitioner mentioned above be enlarged 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 Chief Judicial Magistrate, Muzaffarpur in Kathaiya Police Station Case No. 79 of 2019, on the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

(Prabhat Kumar Singh, J)

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