

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1706 of 2021**

Arising Out of PS. Case No.-75 Year-2020 Thana- SAUR BAZAR District- Saharsa

Shiv Kumar Paswan @ Sukumar Paswan Aged About 32 Years Son Of
Baleshwar Paswan @ Bathaha Paswan Resident Of Village-Baijnathpur,
Police Station-Sourbazar (Baijnathpur O.P.) District-Saharsa.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Satish Kumar Singh, Advocate
For the Opposite Party : Mr. PK Pandey, Addl Public Prosecutor

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

3 04-05-2021 This matter is taken up for consideration through Video Conferencing.

Heard learned counsel for the petitioner and the State.

The petitioner prays for grant of regular bail in a case registered for the offence punishable under sections 413/414 of the Indian Penal Code and sections 25(1-b)a/26 of the Arms Act.

As per the prosecution case, one loaded country made pistol and a stolen black colour motorcycle have been seized from the possession of the petitioner.



Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case as the alleged recovery is planted by the police. No incriminating material has been recovered from the conscious possession of the petitioner. Petitioner is in custody since 13.2.2020 and charge sheet has already been submitted.

Considering the facts and circumstances of the case and the fact that no incriminating material has been recovered from the conscious possession of the petitioner coupled with the fact that charge sheet has already been submitted, 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 Chief Judicial Magistrate, Saharsa in Sourbazar Police Station Case No. 75 of 2020 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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