

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1781 of 2021

Arising Out of PS. Case No.-796 Year-2019 Thana- JAKKANPUR District- Patna

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Bittu @ Bittu Paswan aged about 27 years Son of Chndrasekhar Kumar @
Raju Paswan Resident of Village- Naya Gaon, P.S.- Alamgunj, Distt- Patna.
... .. Petitioner

Versus

The State of Bihar ... Opposite Party

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Appearance :

For the Petitioner : Mr.Manoj Kumar Pandey, Advocate
For the Opposite Party : Mr.RB Roy Raman, Addl Public Prosecutor

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 18-05-2021 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 section 302 of the
Indian Penal Code and sections 25(1-B)a/26/27 of the Arms
Act.

As per the prosecution case, the informant got
information from his shop staff that at about 11 am on
2.12.2019 three unknown miscreants came to his shop on
motorcycle. Thereafter, two miscreants entered into the shop
and fired on informant's father as a result of which he sustained
fire arms injuries and when he was taken to the PMCH for
treatment the doctors declared him brought dead.

Learned counsel for the petitioner submits that the



petitioner is innocent and has falsely been implicated in this case on suspicion. FIR is against unknown and petitioner's name has come in the case on the basis of confessional statement of co-accused Devesh Kumar. No incriminating material has come against the petitioner during course of investigation save and except confessional statement of said co-accused. It is also the case of the petitioner that though the informant has claimed that the incident has been recorded in the CCTV footage, no Test Identification Parade has not been carried out till date. Petitioner is in custody since 2.3.2020.

Considering the facts and circumstances of the case and the fact that save and except confessional statement of co-accused, no other material has been collected during course of the investigation coupled with the fact that Test Identification Parade has not been carried out till date and the petitioner is in custody since 2.3.2021, 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 Sub Judge I cum Additional Chief Judicial Magistrate, Patna in Jakkanpur Police Station Case No. 796 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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