

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43086 of 2021**

Arising Out of PS. Case No.-241 Year-2021 Thana- MADHEPURA District- Madhepura

JAY KUMAR PASWAN Son of Ram Kishun Paswan Resident of Village -
tedhi Kamaljari, Police Station - Gamharia, District - Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Chand Prasad, Advocate

For the Opposite Party/s : Mr. Dashrath Mehta, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER**

2 01-02-2022 Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the
petitioner and learned APP for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

Petitioner, who is in custody since 20.03.2021, seeks
regular bail in connection with Madhepura (Parmanandpur O.P.)
P.S. Case No. 241 of 2021 registered for offences punishable
under Sections 392 of the Indian Penal Code and Section 25(1-
b)a, 26, 35 of the Arms Act.

Prosecution case, in brief, is that on 19.03.2021 at
9.00 a.m., two persons riding on motorcycle came and
surrounded the informant. One of the accused persons aimed
country-made katta upon the informant and took Rs. 2,500/-,



Motorcycle bearing Registration No. BR-29Z-7178 and other documents. Informant, with the help of villagers caught one of the accused persons who disclosed his name as Jay Kumar Paswan and he disclosed the name of the fleeing persons as Ravi Kumar. Upon search, one country made pistol and two live cartridges were recovered from the possession of the petitioner and the villagers handed over the petitioner to the police.

Learned counsel appearing on behalf of the petitioner submits that a country made pistol and two live cartridges were recovered from the possession of the petitioner though, there was no motive to commit any offence. Petitioner is languishing in custody since 20.03.2021 and there is complete non compliance of Section 100 Cr.P.C. prior to search and seizure. He further submits that due to enmity, he was made captive by the local people and the very allegation of recovery is falsified.

Learned A.P.P., for the State has opposed the prayer for grant of bail to the petitioner.

Considering the facts and circumstances of the case, the petitioner was handed over to the police by villagers, the alleged seizure list was not handed over to the petitioner, petitioner is in custody since 20.03.2021, there is no allegation of tampering the evidence or influencing the witnesses as well



as trial is not likely to be concluded soon due to COVID-19, the petitioner, above named, is directed to be enlarged on bail upon furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Madhepura in connection with Madhepura (Parmanandpur O.P.) P.S. Case No. 241 of 2021 subject to the following conditions:

(i) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(ii) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

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

(Purnendu Singh, J)

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