

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49292 of 2021**

Arising Out of PS. Case No.-714 Year-2020 Thana- BEGUSARAI TOWN District- Begusarai

SHIVA PASWAN @ SHIVJEE Son of Bangali Paswan Resident of Village -
Garhpura, P.S.- Garhpura, Distt.- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Binod Kumar, Adv.

For the Opposite Party/s : Ms. Anita Kumari Singh, APP

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

2 03-03-2022 Heard.

The petitioner seeks regular bail in connection with Begusarai Town P.S. Case No. 714 of 2020, registered for the offence punishable under sections 25(1-b)a, 26 Arms Act.

The case of the prosecution in brief is that the police had apprehended the petitioner on suspicion in a market place and upon search, one country made pistol was recovered.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case and is languishing in custody since 25.06.2021. The learned



counsel for the petitioner has further submitted that prior to the arrest of the petitioner in the present case, the petitioner was having a clean antecedent, however, subsequently he has been made an accused in two other cases. It is further submitted that though the petitioner is stated to have been arrested from a busy market place but all the witnesses are official witnesses and no independent witness has signed the seizure list. It is thus submitted that the seizure list has been prepared in violation of the provisions contained under section 100 of the Cr. P.C.

Per contra, Ms. Anita Kumari Singh the learned APP for the State, has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the parties and taking into account the materials available on record as also considering the period of incarceration of the petitioner, I deem it fit and proper to admit the petitioner to the privilege of regular bail.

Accordingly, the petitioners, above named, is directed to be released on bail on furnishing bail bond of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of the learned Court of



Judicial Magistrate 1st Class, Begusarai in connection
with Begusarai Town P.S. Case No. 714 of 2020

(Mohit Kumar Shah, J)

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