

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69452 of 2021

Arising Out of PS. Case No.-336 Year-2021 Thana- MOTIHARI MUFASIL District- East
Champaran

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NITESH KUMAR @ MANI PASWAN @ NITISH KUMAR Son of Dhruv
Paswan Resident of Village- Badkurwa, P.S.- Muffasil Motihari, District- East
Champaran.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma

For the Opposite Party/s : Mr.Surendra Kumar

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 06-05-2022 Heard.

The petitioner seeks regular bail in connection with
Muffasil P.S. Case No. 336 of 2021, registered for the offence
punishable under sections 414, 467, 468, 120B of the Indian
Penal Code and section 25(1-B), 1, 26, 35 of the Arms Act..

The case of the prosecution in brief is that the
informant along with other police personnel had proceeded on
their official duty on 28.06.2021 and at about 4 P.M. while they
were checking vehicles on Bharwaliya bridge, three miscreants,
who were riding on a motorcycle, had arrived from Motihari
side, however, upon seeing the police force, they had tried to
flee away, nonetheless one of the miscreants was apprehended
by the police after a chase while the other miscreants had



managed to flee away after jumping from the motorcycle. On search of the person of the arrested accused person i.e. the petitioner herein, one loaded country made pistol, one live cartridge apart from some more live cartridges were recovered from his possession and upon asking for the registration paper of the motorcycle in question, the same could not be produced by the petitioner. It is also alleged that a sum of Rs. 5000/- was recovered from the possession of the petitioner, and on interrogating the petitioner, he had disclosed the names of two other miscreants who had managed to flee away.

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 31.08.2021. The learned counsel for the petitioner has further submitted that the petitioner is an accused in one other case, but he is on bail in the said case. It is further submitted that the petitioner has already been sufficiently punished on account of his incarceration. Lastly, the learned counsel for the petitioner has submitted by referring to paragraph no. 9 of the present petition that while the other miscreants were trying to flee away, after throwing the arms and motorcycle, the petitioner was crossing the road and on suspicion he was arrested by the police.



Per contra, 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 averments made in paragraph no. 9 of the present petition, apart from considering the period of custody already undergone by the petitioner, I deem it fit and proper to admit the petitioner to the privilege of regular bail.

Accordingly, the petitioner, above named, is directed to be released on bail on furnishing bail-bonds of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of the learned court of Chief Judicial Magistrate, Motihari, East Champaran in connection with Muffasil P.S. Case No. 336 of 2021.

(Mohit Kumar Shah, J)

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