

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5891 of 2023

Arising Out of PS. Case No.-271 Year-2022 Thana- LADANIA District- Madhubani

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SUBHASH KUMAR PASWAN S/O SHIB PASWAN @ SHIV KUMAR
PASWAN R/v- Kuaadh, P.S.- Jainagar, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakr, Advocate. with
Ms. Vaishnavi Singh, Advocate.
For the Opposite Party/s : Mr. Harendra Prasad, APP.

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 05-05-2023 Learned counsel for the petitioner is permitted to

remove defect(s), as pointed out by the office, if any, within a

period of four weeks from today.

Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State.

The petitioner has preferred this application for grant

of regular bail in connection with Ladania P. S. Case No. 271 of

2022 dated 15.09.2022 registered for the offences punishable

under Sections 394 and 411 of the Indian Penal Code and

Sections 25(1-b)a, 26 and 35 of the Arms Act.

As per the prosecution case, four miscreants boarded

on two motorcycles looted Rs. 1 Lakh from the informant on the

point of pistol. In course of fleeing away, two miscreants were



apprehended who disclosed their names as Harischandra Rai and Subhash Kumar (the petitioner) and they also disclosed the names of the other miscreants who managed to flee away from the place of occurrence as Baiju Yadav, Vijay Sah and Rohit Yadav. On search, one loaded country-made pistol was recovered from the possession of the co-accused Harischandra Rai and Rs. 49,000/- in cash, two live cartridges and a mobile phone were recovered from the possession of Subhash Kumar Paswan (the petitioner).

Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. No such occurrence as alleged has ever taken place. Nothing has been recovered from the conscious possession of the petitioner. Learned counsel has further submitted that the co-accused person has already been granted bail by Co-ordinate Bench of this Court vide order dated 28.04.2023 passed in Cr. Misc. No. 15874 of 2023. The petitioner has got clean antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 16.09.2022.

Learned A.P.P. for the State has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances of



the case as well as the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court Concerned, Madhubani in connection with Ladania P. S. Case No. 271 of 2022.

The application stands allowed.

(Chandra Prakash Singh, J)

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