

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25160 of 2023

Arising Out of PS. Case No.-146 Year-2022 Thana- BEERPUR District- Begusarai

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Birju Paswan, Son of Bhatu Paswan R/o village - Chakmahuli Ward No.- 12,
P.S.- Rosera, Distt.- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shubhesh Pandey

For the Opposite Party/s : Mr.Rajiv Nayan

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 23-05-2023 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 394, 397, 307 of the Indian Penal Code and Section 27 of Arms Act.

The prosecution case,in brief, is that while the informant was going to house by motorcycle after withdrawing cash from the bank along with cousin father-in-law, in the way some unknown miscreants surrounded the motorcycle of informant by showing weapons, snatched his mobile and shot fired upon his cousin father-in-law due to which he sustained injury.



Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case. Neither the petitioner is named in the F.I.R. nor he has put on T.I.P. Nothing incriminating article has been recovered from the conscious possession of the petitioner. During the course of investigation, the name of the petitioner has been transpired on the basis of confessional statement of co-accused Ayush Kumar @ Golu, which has no evidentiary value in the eye of law. It is further submitted that similarly situated co-accused has already been granted bail by co-ordinate Bench of this Court vide order dated 17.05.2023 passed in Cr. Misc. No. 20099 of 2023. Moreover, the petitioner is languishing in judicial custody since 14.11.2022.

Learned APP appearing for the state has opposed the prayer of regular bail.

Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as period of custody of the petitioner, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Birpur



P.S. Case No. 146 of 2022 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned J.M. 1st Class, Begusarai.

(Sunil Kumar Panwar, J)

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