

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64085 of 2023

Arising Out of PS. Case No.-386 Year-2023 Thana- SITAMARHI District- Sitamarhi

Jitan Paswan Son of Late Bira Paswan R/o vill - Basant Khurd, P.S. - Suppi,
Distt. - Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ritesh Kumar Narain Singh

For the Opposite Party/s : Mr.Shantanu Kumar

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 11-10-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has filed the instant application for grant of regular bail in a case registered for the offences punishable under Sections 399, 402 of the Indian Penal Code and Sections 25(1-b)a, 26/35 of the Arms Act.

As per allegation in the FIR, on getting information that below the Railway bridge, the miscreants have come from outside and planning to commit dacoity police party proceeded towards the place of occurrence and apprehended the petitioner along with other co-accused whereas five miscreants managed to fled away. On search, one live cartridge was recovered from right pant pocket of petitioner.

It is submitted by learned counsel for the petitioner



that the petitioner is innocent and has committed no offence. He has falsely been implicated in the present case. The petitioner has no concern with alleged arm which was seized by the police. Both the seizure list witnesses are police personnel which is complete violation of Section 100 of Cr.P.C. A statement has been made in para 3 of the petition that petitioner has no criminal antecedent. The petitioner is languishing in judicial custody since 14.05.2023.

Learned APP appearing for the State has vehemently opposed the prayer for Bail.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case as well as period of custody, this Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail in connection with Sitamarhi (Mehsaul O.P.) P.S. Case No. 386 of 2023 on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Sitamarhi.

(Sunil Kumar Panwar, J)

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