

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16726 of 2024

Arising Out of PS. Case No.-164 Year-2023 Thana- BIHARIGANJ District- Madhepura

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ASHISH KUMAR S/o Mithilesh Paswan @ Mithlesh Paswan R/o Village-
Babhangama, P.S.-Bihariganj, District-Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pawan Kumar

For the Opposite Party/s : Mr.Shailendra Kumar

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CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA

ORAL ORDER

2 13-03-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Bihariganj P.S. case No. 164 of 2023 instituted for the offences under Sections 323, 341, 379, 506, 307 of the Indian Penal Code and Section 27 of the Arms Act and later on Sections 395, 397, 412 of the Indian Penal Code were added.

3. Prosecution case, in short, is that the petitioner along with other co-accused persons intercepted the informant



and one of them fired upon him and thereafter, they looted Rs. 57,610/-, a mobile phone and a motorcycle.

4. Learned counsel for the petitioner submitted that the petitioner is innocent andd has falsely been implicated in the present case. Learned counsel further submitted there is no specific allegation of firing attributed to this petitioner. No any looted article has been recovered from the conscious possession of the petitioner. Learned counsel further submitted that T.I.P. has not been conducted till date. Similarly situated co-accused person has already been granted bail by a Coordinate Bench of this Court vide order dated 09.01.2024 passed in Cr. Misc. No. 73456 of 2023. It has been submitted on behalf of the petitioner that the petitioner is in custody since 19.08.2023 and has one criminal antecedent.

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

6. Considering the aforesaid facts and circumstances of the case, claim based on parity as also the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of



the like amount each to the satisfaction of Court
below/concerned Court in connection with Bihariganj P.S. case
No. 164 of 2023.

(Rudra Prakash Mishra, J)

Alok Verma/-

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