

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27823 of 2024

Arising Out of PS. Case No.-536 Year-2023 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

=====

Nikhil Kumar Son of Rajesh Kumar Paswan Resident of Mohalla - New
Colony, Dharampur, P.S. - Muffasil, District - Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Brajesh Kumar Singh
For the Opposite Party/s : Mr.Harendra Prasad

=====

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 26-04-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 149 and 385 of the Indian Penal Code and Sections 25(1-b)a, 26 and 35 of the Arms Act.

3. As per prosecution case, on getting information that petitioner along with other co-accused persons was constructing boundary wall forcefully adjacent to Delhi Public School, the police party reached on the spot and apprehended the petitioner along with other co-accused persons and recovered mobile phones along with country made pistols and live cartridges from their possession. From the possession of this petitioner,



one country made pistol along with four live cartridges was recovered.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case. He has no concern with the alleged recoveries. The seizure list witnesses are police personnel which violates the provision of Section 100 Cr.P.C. A statement has been made in para-3 of this petition that the petitioner has got no criminal antecedent. Similarly situated other co-accused person has already been granted bail by this Court vide order dated 09.02.2024 in Cr. Misc. No. 7779 of 2024. Moreover, the petitioner is languishing in judicial custody since 19.12.2023.

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

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as 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 Muffasil P.S. Case No. 536 of 2023 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of



learned Sub Judge-V-cum-Additional Chief Judicial Magistrate-
II, Samastipur.

(Sunil Kumar Panwar, J)

Shubham/-

U		T	
---	--	---	--

