

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74437 of 2023

Arising Out of PS. Case No.-76 Year-2023 Thana- RAHIKA District- Madhubani

MANISH KUMAR @ MUNNA PASWAN @ MANISH PASWAN son of
Suraj Paswan @ Suryanarayan Paswan @ Suraj Village- Jagatpur Ps- Rahika
Dist- Madhubani

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nilendu Kumar Choudhary

For the Opposite Party/s : Mr.Lalan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 16-01-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Rahika
P.S. Case No. 76 of 2023 registered for the offences punishable under
Sections 412 of the IPC and sections 25(1-b)a, 26 and 35 of the Arms
Act.

3. As per prosecution case, co-accused persons namely
Rupesh Paswan, Himanshu Paswan and Rahul Kumar were
apprehended on the spot and from the possession of Rupesh Paswan
one country made pistol and after unloading the same one live
cartridge was recovered and also looted cash of Rs. 1000/- was
recovered. It is further alleged that from the possession of Himanshu
Paswan looted cash of Rs.1000/- and mobile phones were recovered
and from the possession of co-accused Rahul Kumar looted cash of



Rs. 2500/-, golden chain and mobile phones were recovered. Apprehended co-accused disclosed the name of petitioner and others who are also involved in the alleged occurrence.

4. Learned counsel for the petitioner submits that petitioner is in custody since 13.06.2023 and bears criminal antecedent of one case. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that petitioner is quite innocent and has committed no offence as alleged in the FIR. He further submits that petitioner is not apprehended on the spot. No incriminating article has been recovered from the possession of the petitioner. Except disclosure of apprehended co-accused Rupesh paswan and others, there is nothing on record to demonstrate the complicity of petitioner with the alleged occurrence. He further submits that co-accused Rupesh Paswan, who was apprehended on the spot and from whose possession recovery was made and other co-accused Himanshu Paswan have already been granted bail vide Cr. Misc. No. 54648 of 2023, Cr. Misc. No. 51102 of 2023 respectively by the co-ordinate Bench of this Court and the case of present petitioner stands on better footing keeping in view that petitioner was not apprehended on the spot and no incriminating article recovered from his possession.

5. The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case,



period of custody, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate- IVth, Madhubani in connection with Rahika P.S. Case No. 76 of 2023, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

vashudha/-

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