

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62709 of 2019

Arising Out of PS. Case No.-51 Year-2019 Thana- TURKAULIYA District- East Champaran

UPENDRA KUMAR, aged about 29 years, Male, Son of Ramashar Prasad Yadav, Resident of Village - Pataura Baswariya, P.S.- Muffasil, Distt.- East Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Karandeep Kumar, Advocate.

For the Opposite Party : Mr.Brajendra Nath Pandey, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 22-10-2019 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks bail in a case for the offence registered under Sections 414 of the IPC, 25(1-b)a, 26 and 35 of the Arms Act.

The prosecution story, in brief, is that the informant on confidential information that the petitioner alongwith his associate having stolen and looted weapons in their hands alongwith stolen Motorcycle came at Government Middle School, Madhopur Math, he went there and saw that three persons sitting on the Motorcycle, coming from the Committee Bazar then he tried to stop them. Accused persons tried to flee away but they fell down. However, they fled away. The police recovered a Motorcycle, one country made pistol and empty Magazine and Mobile from the place of occurrence.



It has been submitted by learned counsel for the petitioner that the petitioner is languishing in custody since 22.06.2019. The petitioner has got no criminal antecedent. The petitioner has falsely been implicated in the present case. Charge sheet has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. It is alleged that one Motorcycle, one country made pistol, empty Magazine and mobile are said to have been recovered from the place of occurrence. The petitioner had no knowledge that the Motorcycle in question is a stolen property. There is no compliance of Section 100 Cr. P.C.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named, 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 the learned C.J.M. East Champaran, Motihari, in connection with Turkaulia P.S. Case No. 51 of 2019.

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(Sudhir Singh, J)

