

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17080 of 2021

Arising Out of PS. Case No.-56 Year-2020 Thana- TURKAULIYA District- East Champaran

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MOHIT KUMAR @ MOHIT GUPTA @ RAHUL RAJ, aged about 20 years
(M), Son of Rajkumar, Resident of Village - Lotha Ward No. 35, P.S.-
Motihari Town, Distt.- East Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Umesh Chandra Verma, Advocate
For the Opposite Party : Mr. Ram Anurag Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 16-12-2021 Learned counsel for the petitioner is directed to

remove the defects, as pointed out by the office, within a period

of eight weeks.

Heard learned counsel for the petitioner and learned

A.P.P. for the State.

The petitioner is apprehending his arrest in connection

with Turkauliya (Banjariya) P.S. Case No. 56 of 2020 for the

offence registered under Sections 399, 402, 414/34 of the I.P.C.

and 25(1-b)a, 26, 35 of the Arms Act.

The prosecution story, in brief, is that the petitioner

alongwith co-accused made planning to commit robbery and

from possession of co-accused Dablu Mian @ Sahid, one

country made pistol alongwith two live cartridges were



recovered.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has been made accused in the present case due to mistake of fact. It is alleged that one country made pistol alongwith two live cartridges were recovered from possession of co-accused. No recovery of arms is said to have been recovered from possession of the petitioner. The name of the petitioner has transpired in the present case on the basis of disclosure made by co-accused. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in the present case.

On behalf of the learned counsel for the State, it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances of the case, let the petitioner above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Motihari,



East Champaran, in connection with Turkauliya (Banjariya) P.S.
Case No. 56 of 2020, subject to the conditions as laid down
under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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