

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26525 of 2021

Arising Out of PS. Case No.-49 Year-2020 Thana- BARURAJ District- Muzaffarpur

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KUNDAN KUMAR UPADHYAY S/O LALBABU UPADHYAY R/o village-
Banshghat, P.S.- Chakiya, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nachiketa Jha, Adv.

For the Opposite Party/s : Mr. Manoj Kumar

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 26-11-2021 Heard learned counsel for the parties through video conferencing.

The petitioner has preferred the instant application for grant of regular bail in a case registered under sections 399, 402 and 414 of the Indian Penal Code and sections 25(1-B)(a), 26 and 35 of the Arms Act.

As per the prosecution case, on receiving information about the accused persons having gathered to give effect to an occurrence, a raid was conducted and the accused including the petitioner herein were caught. It is stated that from possession of the petitioner a loaded country made pistol and a live cartridge were recovered.

It is submitted by learned counsel for the petitioner that the allegations as levelled in the F.I.R. are false and



concocted. No incriminating article has been recovered from his possession. The petitioner is in custody since 7.4.2020 and chargesheet has been submitted in the case.

Heard learned A.P.P. for the State.

Having heard learned counsel for the parties and taking into consideration the facts of the case together with the petitioner having remained in custody for over 1 year 7 months, this Court directs the petitioner to be enlarged on bail in connection with Trial no. 519 of 2020 (arising out of Baruraj P.S. Case no. 49 of 2020) on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Muzaffarpur.

(Partha Sarthy, J)

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