

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30553 of 2021

Arising Out of PS. Case No.-70 Year-2020 Thana- BIDUPUR District- Vaishali

DIWANI SINGH @ KUNAL S/O SITA RAM SINGH R/o village- Pakauli,
P.S.- Bidupur, District- Vaishali at Hajipur (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rakesh Kumar

For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 09-12-2021 Heard the learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks regular bail in connection with
Bidupur PS case no. 70 of 2020 instituted for the offences punishable
under Sections 399, 402 of Indian Penal Code and 25(1-b)a, 26, 35 of
Arms Act.

The allegation is regarding the police having
apprehended the accused persons and upon interrogation, it
transpired that they were hatching a conspiracy to commit some
crime. One of the arrested person namely Md. Arwaz had disclosed
the name of the petitioner to be one of his accomplice. One pistol and
five live cartridges is stated to have been recovered from the said co-
accused person namely Md. Arwaz.

The learned counsel for the petitioner has submitted
that the petitioner is innocent, has been falsely implicated in the



present case and is languishing in custody since 31.08.2020. The learned counsel for the petitioner has further submitted that the main accused namely Md. Arwaz has already been granted bail. It is also submitted that neither any arms have been recovered from the petitioner nor he was arrested from the spot.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that the main accused has been granted bail and the petitioner has been falsely implicated in this case having no complicity in the matter, I deem it fit and proper to admit the petitioner to the privilege of bail, accordingly the abovenamed petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned court of Judicial Magistrate 1st class, Hajipur, Vaishali in connection with Bidupur PS case no. 70 of 2020.

(Mohit Kumar Shah, J)

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