

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37959 of 2020

Arising Out of PS. Case No.-349 Year-2020 Thana- MOTIHARI TOWN District- East
Champaran

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1. Aman Kumar S/o Om Prakash Gupta @ Om Prakash Prasad R/o Village-
Henrry Bazar Telia Patti, P.S.- Town, District- East Champaran
 2. Gopi Kumar S/o Raju Prasad R/o Village- Henrry Bazar Telia Patti, P.S.-
Town, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shiva Shankar Sharma

For the Opposite Party/s : Mrs. Anita Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 05-02-2021 Heard the learned counsel for the petitioners and the
learned A.P.P. for the State.

The petitioners seek regular bail in connection with Town
P.S. Case No. 349 of 2020 for the offence registered under Sections
399 and 402 of the Indian Penal Code and Sections 25(1-b)a, 26 and
35 of the Arms Act.

The informant along with the police force is stated to have
reached at the alleged place of occurrence then they had arrested
various accused persons and upon search, as far as the petitioners are
concerned, only two mobile phones were recovered, however, some
arms were recovered from the other co-accused persons apart from
recovery of certain other articles. It is alleged that the said persons
including the petitioners herein were planning to commit dacoity.

The learned counsel for the petitioners has submitted that
the petitioners are innocent, have been falsely implicated in the



present case, are having clean antecedents and they are languishing in custody since 19.06.2020. The learned counsel for the petitioners has further submitted that as far as the petitioners are concerned, no illicit arms have been recovered from their possession, hence they have been falsely implicated in the present case merely on suspicion.

Per contra, the learned counsel 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 petitioners and taking into account the materials available on record as also considering the fact that no illicit arms have been recovered from the petitioners and they are stated to be having a clean antecedent, I deem it fit and proper to direct for release of the petitioners herein on regular bail.

Accordingly, the petitioners, above named, are directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari, East Champaran in connection with Town P.S. Case No. 349 of 2020.

(Mohit Kumar Shah, J)

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