

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38494 of 2020
Arising out of P.S. Case No. 185 year- 2020, Thana Maniyari, District
Muzaffarpur.

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Adarsh Kumar @ Gopi Singh, Male, aged about 19 years, S/O Prem Kumar
Thakur, R/O Village Repura, P.S. Sakra, District Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opp. Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar @ S.K., Adv.

For the Opp. Party/s : Mr. Ashok Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 31-05-2021

The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioner and Shri Ashok Kumar, the learned APP appearing for the State.

The petitioner apprehends his arrest in connection with Maniyari P.S. Case No. 185 of 2020 for the offence punishable under Sections 414/34 of the Indian Penal Code and section 25(1-b)a/26/35 of the Arms Act.

The allegation is regarding the police having apprehended two accused persons namely Gautam Kumar and Prince Kumar while they were travelling on a motorcycle, however, it is alleged that their associates including the



petitioner herein had managed to flee away and upon the apprehended persons being searched, one country made pistol with a live cartridge was recovered from the possession of the co-accused person namely Gautam Kumar. It is also alleged that the motorcycle in question was not having any registration number.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case and is having a clean antecedent. It is further submitted that neither the petitioner has been arrested from the spot nor any arms has been recovered from the possession of the petitioner and merely on account of village politics, the petitioner has been falsely roped in the present case.

Mr. Ashok Kumar, the learned APP for the State has vehemently opposed the prayer for anticipatory bail, made by the petitioner.

Having regard to the facts and circumstances of the case, considering the submissions advanced by the learned counsel for the parties and taking into account the materials available on record, this Court finds that neither the petitioner has been arrested from the spot nor any incriminating article has been recovered from the petitioner, hence, I deem it fit and proper to adn



to the privilege of anticipatory

bail.

Accordingly, in the event of arrest or surrender before the learned court below within a period of four weeks from today, the petitioner, above-named, shall be enlarged on anticipatory bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Muzaffarpur in connection with Maniyari P.S. Case No. 185 of 2020, subject to the conditions laid down under Section 438(2) of the Cr. P.C.

(Mohit Kumar Shah, J)

Tiwary/-

