

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27295 of 2022

Arising Out of PS. Case No.-75 Year-2021 Thana- BHADAUR District- Patna

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1. AKHILESH KUMAR Son of Late Rajendra Mahto Resident of Village - Pokharpar, Police Station - Bhadaur, District - Patna.
 2. Mithlesh Kumar @ Mithilesh Kumar Son of Jano Mahto Resident of Village - Pokharpar, Police Station - Bhadaur, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Kashyap

For the Opposite Party/s : Mr.Ashok Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 07-11-2022 Heard learned counsel for the petitioners and learned
APP for the State.

The instant application for anticipatory bail has been filed by the petitioners apprehending their arrest in connection with Bhadaur P.S. Case no. 75 of 2021 instituted for the offence punishable under Sections 25(1-b)a, 26 and 35 of the Arms Act.

As per allegation in the FIR, while the police party are on patrolling duty and signaled to stop a motorcycle on which three persons were riding, they started to run away. On chase, Vikash Kumar was arrested who disclosed the name of the petitioners as of his associates. On search, one rifle was recovered from his possession for which he could not show any



valid paper.

Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. He has got no criminal antecedent. The alleged rifle has been recovered from possession of apprehended co-accused Vikash Kumar and he has disclosed the name of the petitioner as one of his associates, before the police, which has no evidentiary value in the eye of law. Neither the petitioner was arrested nor any incriminating article has been recovered from his possession.

Learned APP appearing for the State has opposed the prayer of Bail.

Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioners on bail. The petitioners are directed to surrender in the Court below within a period of four weeks from today and in the event of their arrest or surrender in connection with Bhadaur P.S. Case no. 75 of 2021, they will be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned J.M. 1st Class, Barh, Patna subject to the conditions as laid down under section



438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

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