

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47910 of 2021**

Arising Out of PS. Case No.-839 Year-2020 Thana- ARA NAWADA District- Bhojpur

BITU KUMAR RAI S/o VIJAY KUMAR RAY @ VIJAY RAY R/o
VILLAGE-BASARA, P.S-SIKRAHTA, DISTRICT-BHOJPUR.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar, Advocate

For the Opposite Party/s : Mr.Nityanand, Advocate

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER**

2 28-02-2022 Heard the learned counsel for the petitioner and

Sri Nityanand, the learned APP for the State.

The petitioner seeks regular bail in connection with Ara Nawada PS case no. 839 of 2020 instituted for the offences punishable under Sections 25(1-b)a, 26, 35 of Arms Act.

The allegation is regarding the petitioner along with five other accused persons having been arrested by the police on the suspicion that they were hatching conspiracy to commit an offence. As far as the petitioner is concerned, one live cartridge is stated to have been recovered from his possession, however three countrymade pistols were recovered from the possession of other co-accused persons.

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 30.10.2020. The learned counsel for the petitioner has further submitted that the petitioner is having a fair antecedent, inasmuch as he is an accused only in one other criminal case.

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 period of incarceration of the petitioner, 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 C.J.M., Bhojpur at Ara in connection with Ara Nawada PS case no. 839 of 2020.

(Mohit Kumar Shah, J)

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