

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41708 of 2022

Arising Out of PS. Case No.-144 Year-2022 Thana- MITHANPURA District- Muzaffarpur

Gopal Tiwari @ Gopal Kumar Son of Devendra Tiwari @ Devendra Narayan
Tiwari Resident of village - Bela I.D.P., P.S.- Bela, District - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Ms. Vaishnavi Singh, Advocate Mr. Ajay Kumar Thakur, Advocate Mr. Ritwik Thakur, Advocate Mr. Malay Kumar Choudhary, Advocate
For the Opposite Party/s :		Mr. Pramod Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 17-11-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

Heard learned counsel for the petitioner and learned

APP for the State.

Petitioner seeks regular bail in connection with Mithanpura

P.S. Case No. 144 of 2022 registered for the offences punishable

under Sections 25 (1-b)a and 26 of the Arms Act.

As per the prosecution, the informant along with other

police personnel were on their regular patrolling duty,

meanwhile they apprehended this petitioner who tried to flee

upon seeing the police and upon making search a country-made

pistol with one live cartridge were recovered from his possession.

The main submissions advanced by learned counsel Ms. Vaishnavi Singh, appearing for the petitioner are that the seizure list of the instant case was falsely prepared by the police, in fact on the alleged date and time of occurrence the petitioner went to Shyamnandan Sahay College along with his niece for the purpose of dropping her at the said college and when he was standing outside the college then the police personnel came in plain dress and picked up the petitioner and the said act of the police was captured in the CCTV camera installed at that place and during the investigation the petitioner's family members preserved the CCTV footage and submitted the same before the police along with a pendrive to show the innocence of the petitioner but even then no proper investigation was made and with this petition some relevant photographs of the CCTV footage concerned has been filed as Annexure-2 which also falsifies the allegation of recovery of firearm from the possession of the petitioner. Further submission is that the petitioner has been languishing in jail since 13.05.2022 and against him there is criminal antecedent of one case in which he has been granted anticipatory bail.

Learned APP Mr. Promod Kumar Pandey, appearing for the State has opposed the prayer for bail.

In view of the above submissions and mainly considering the petitioner's custody period and his defence as to non-examination of the CCTV footage of the concerned camera despite the pen drive having the said footage having been filed by the family members of the petitioner before the police and also the fact that against the petitioner the investigation has been completed as per the submission made by learned counsel for the petitioner, in the opinion of this Court the petitioner deserves to a lenient approach of this Court. Accordingly, let the petitioner be enlarged on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate-IX, Muzaffarpur in connection with Mithanpura P.S. Case No. 144 of 2022.

(Shailendra Singh, J.)

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