

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53764 of 2021

Arising Out of PS. Case No.-7 Year-2021 Thana- DANDARI District- Begusarai

MD KUDUS @ MD KUDDUS SON OF MD. VALI @ MD. VAILLI
RESIDENT OF VILLAGE- DANDARI, WARD NUMBER 09, POLICE
STATION - DANDARI, DISTRICT - BEGUSARAI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sandip Kumar Gautam, Advocate

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

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 12-01-2022 Heard the learned counsel appearing for the petitioner and
learned A.P.P. for the State.

The petitioner seeks regular bail in connection with
Dandari P.S. Case No. 07 of 2021 for the offence punishable
under Sections 401, 411, 413, 414, 34 of the Indian Penal Code
and Sections 25(1-b)a and 26 of the Arms Act.

The allegation is regarding the police having received
secret information to the effect that some miscreants were
hatching a conspiracy to commit a crime whereafter the police
had gone to the place of occurrence and apprehended the
accused persons including the petitioner herein. As far as the
petitioner is concerned, only one mobile phone is stated to have
been recovered from him although from the conscious



possession of the co-accused Sonu Tanti, a country made pistol and two live cartridges are stated to have been recovered.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case, is having a clean antecedent and he is languishing in custody since 15.01.2021. The learned counsel for the petitioner has referred to the seizure list in question to show that no illicit arms/live cartridges have been recovered from the conscious possession of the petitioner. It is further submitted that similarly situated co-accused persons have already been granted bail by this Court.

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 petitioner, taking into account the materials available on record as also considering the fact that no illicit arms/live cartridges have been recovered from the conscious possession of the petitioner, the petitioner is having a clean antecedent and he is languishing in custody since a long time, I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the petitioner, above named, is directed to be



released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Begusarai in connection with Dandari P.S. Case No. 07 of 2021.

(Mohit Kumar Shah, J)

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