

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69449 of 2021

Arising Out of PS. Case No.-136 Year-2021 Thana- DHANAHA District- West Champaran

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AMIT KUMAR PATEL Son of Prahalad Patel @ Prahalad Kurmi Resident of
Village - Kathar, P.s.- Dhanaha, Distt.- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vijay Kr Singh No. 1

For the Opposite Party/s : Mr.Akhileshwar Dayal

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 06-05-2022

Heard.

The petitioner seeks regular bail in connection with Dhanaha P.S. Case No. 136 of 2021, registered for the offence punishable under sections 25(1-b), a,26,35 of the Arms Act.

The case of the prosecution in brief is that the informant of this case i.e. ASI of Dhanaha police station had proceeded to arrest the petitioner on 5.8.2021 at about 4.30 P.M. in connection with one other case bearing Dhanaha P.S. Case No. 1151 of 2020 lodged on the same very day. Subsequently the police had arrested the petitioner and upon search one country made pistol and cartridges were recovered from the possession of the petitioner.

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 06.08.2021. The learned counsel for the petitioner has further submitted that the informant of



the other case had unscrupulously got the petitioner arrested and had got the country made pistol and one live cartridge planted in order to get the petitioner falsely implicated in one more case. In such view of the matter, it is submitted that the petitioner has already been sufficiently punished on account of his long incarceration in as much as he is in custody since about nine months.

Per contra, the learned APP 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 parties and taking into account the materials available on record as also considering the period of incarceration of the petitioner herein, I deem it fit and proper to admit the petitioner to the privilege of regular bail.

Accordingly, the petitioner, above named, is directed to be released on bail on furnishing bail-bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the learned court of Judicial Magistrate-1st Class, Bagaha, West Champaran in connection with Dhanaha P.S. Case No. 136 of 2021.

(Mohit Kumar Shah, J)

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