

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7059 of 2023**

Arising Out of PS. Case No.-214 Year-2021 Thana- DUMARIAGHAT District- East
Champaran

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Niddu Kumar @ Niddu Kumar Yadav @ Niddu Yadav Son Of Ashok Yadav
R/O Village- Siswa, P.S.- Dumariya Ghat, District- Motihari East Champaran

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Binay Kumar

For the Opposite Party/s : Mr.Akhileshwar Dayal

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

2 11-05-2023

Heard learned counsel for the petitioner and the State.

The petitioner apprehends arrest in a case registered for the offence punishable under sections 412/34 of the Indian Penal Code and sections 25(1-B)(a), 26 and 35 of the Arms Act .

As per the prosecution case, all the FIR named accused persons including this petitioner on the point of pistol looted motorcycle, mobile phone and wallet and on seeing the police force, they tried to flee away, but one of them, was apprehended with arms and ammunition and two motorcycles. He disclosed name of the petitioner as his accomplice who fled away.

Learned counsel appearing for the petitioner submits that petitioner's name has figured during course of investigation in confessional statement of co-accused. No incriminating material has been recovered from the conscious possession of the petitioner.

Learned counsel for the State opposes the prayer for bail. He submits that the petitioner has been named by the co-



accused who was apprehended on the spot. Moreover, he has got criminal antecedent of similar nature.

Considering the nature and gravity of allegation and the fact that petitioner has got criminal antecedent of similar nature, prayer for bail of the petitioner is rejected.

(Prabhat Kumar Singh, J)

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