

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10164 of 2023

Arising Out of PS. Case No.-327 Year-2022 Thana- BARGAINIA District- Sitamarhi

Prabodhan Thakur S/O Shankar Thakur R/O Village- Birati Tola, P.S.- Suppi,
Distt- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vikash Kumar Jha

For the Opposite Party/s : Mr. Parmanand Prasad

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 18-04-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has filed the instant application for grant of regular bail in connection with Bairgania P.S. Case No. 327 of 2022 registered under sections 399, 402 and 414 of the Indian Penal Code and Sections 25(1-b)a, 26 and 35 of the Arms Act.

Allegation against the petitioner along with other co-accused persons is that while they were assembled and preparing for committing offence, the police party raided the place of occurrence and arrested the petitioner along with other co-accused persons. On search, there is recovery of one country made loaded pistol along with two live cartridges from the



possession of co-accused Satyendra Thakur and one motorcycle has been seized from the possession of co-accused Satyam Kumar Kushwaha.

Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case merely on the basis of suspicion. Although the petitioner was apprehended on spot but nothing has been recovered from his conscious possession rather the recovery of arms has been made from the possession of other co-accused persons. He has no concern with the seized incriminating article. A statement has been made in para-3 of this petition that the petitioner has got no criminal antecedent. Moreover, he is languishing in judicial custody since 11.11.2022.

The application for bail is opposed by learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case as well as the custody of the petitioner, the Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail in connection with Bairgania P.S. Case No. 327 of 2022 on furnishing bail bond of Rs.



10,000/- (Rupees ten thousand) with two sureties of the like
amount each to the satisfaction of the learned CJM, Sitamarhi.

(Sunil Kumar Panwar, J)

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