

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15072 of 2023

Arising Out of PS. Case No.-363 Year-2022 Thana- UDAKISHUNGANJ District-
Madhepura

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PRASHANT KUMAR Son of Sanjay Yadav R/V- Laxmipur Ward no. 22, P.S-
Udakishunganj and Dist- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Verma

For the Opposite Party/s : Mr. Arvind Kumar Pandey(App84)

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 23-06-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for regular bail in a case
registered for the offence punishable under sections 25(1-AA),
25(1-b)a, 26, 35 of the Arms Act, 1959.

As per prosecution case, after getting secret
information police arrested the accused persons including the
petitioner. On search, one automatic having empty magazine
and one pellet were recovered from possession of the petitioner.
It is further alleged that made in U.S.A. was noted on the said
pistol.

Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. He has
falsely been implicated in this case. The petitioner has no



concern with the alleged arms which were sized by the police. It is further submitted that the prosecution case is falsified by the ballistic report which strongly suggests that the recovered pistol is country made and in support of this Annexure-2 has been annexed with petition. A statement has been made in para-3 of the petition that the petitioner has got no criminal antecedent. Moreover, the petitioner is languishing in judicial custody since 26.10.2022.

Learned APP appearing for the state has opposed the prayer of regular bail.

Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody of the petitioner, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Udakishunganj P.S. Case No. 363 of 2022 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M., Udakishunganj.

(Sunil Kumar Panwar, J)

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