

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.16638 of 2023**

Arising Out of PS. Case No.-46 Year-2023 Thana- MOTIHARI TOWN District- East  
Champaran

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Mustafa Alam Son of Md. Bhola Ansari @ Bhola Miya, R/v- Raghunathpur,  
P.S.- Raghunathpur, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Ms. Madhuri Kumari, Advocate  
For the Opposite Party/s : Mr. Md. Ataur Rahman, APP

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**CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN**  
**ORAL ORDER**

2      10-05-2023                      Let the defect, if any, be removed within two weeks  
from today.

Heard learned counsel for the petitioner and learned  
A.P.P. for the State.

The petitioner seeks regular bail in connection with  
Motihari Town P.S. Case No. 46 of 2023 dated 16.01.2023  
lodged under Sections 341, 323 and 307/34 of the I.P.C. read  
with section 27 of the Arms Act.

As per the prosecution case, the F.I.R. has been  
lodged against unknown accused persons.

Learned counsel for the petitioner submits that from  
the content of the F.I.R., particularly when the name of accused  
persons have not been identified then section 307 of I.P.C.

cannot be made out. Further counsel submits that section 27 of Arms Act has also not made out in this case, as the recovery has not been made from possession of the petitioner. Counsel further submits that antecedent of the petitioner is clean and he is in custody since 16.01.2023.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran at Motihari in connection with Motihari Town P.S. Case No. 46 of 2023, subject to the conditions as laid down under Section 437(3) of Cr.P.C..

With this observation, the bail application stands allowed.

**(Dr. Anshuman, J.)**

ravishankar/-

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