

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15084 of 2023

Arising Out of PS. Case No.-322 Year-2022 Thana- PARIHAR District- Sitamarhi

SUDHIR KUMAR S/O Gagandeo Rai @ Gangandev Prasad Yadav R/O
Village- Phulhatta, P.S- Bela, District- Sitamarhi

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar

For the Opposite Party/s : Mr.Binod Kumar

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 28-04-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for regular bail in a case
instituted for the offence under Sections 399 and 402 of the
Indian Penal code and 25(1-b)a, 26 and 35 of the Arms Act.

As per prosecution case, the petitioner along with
others said to have gathered to loot cash from a trade man. On
search, there has been recovery of one country-made loaded
pistol from the waist of the petitioner.

It is submitted by learned counsel for the petitioner
that petitioner has been falsely implicated in this case. He has
committed no offence. The petitioner has no concern with the
alleged arms and cartridges, which was seized by the police.
Only on the basis of suspicion, petitioner has implicated in the



present case by the police due to his criminal antecedent. There is no signature of the independent witnesses on the seizure list, which has got no evidentiary value in the eyes of law. He is languishing in judicial custody since 23.10.2022.

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

Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as the period of custody, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate-1st Class, Sitamarhi in connection with Parihar P.S. Case No. 322 of 2022.

(Sunil Kumar Panwar, J)

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