

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15315 of 2022

Arising Out of PS. Case No.-46 Year-2022 Thana- GAIGHAT District- Muzaffarpur

Prakash Kumar Son Of Laxmi Mahto Resident Of Mohalla- Brahampura
Jagran Chowk, P.S.- Brahampura, District- Muzaffarpur, State- Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 16896 of 2022

Arising Out of PS. Case No.-46 Year-2022 Thana- GAIGHAT District- Muzaffarpur

Ankush Sharma Son Of Premlal Sharma Resident Of Village- Sujawalpur,
P.S.- Sakra, District- Muzaffarpur, State Of Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 15315 of 2022)

For the Petitioner/s : Mr.Nachiketa Jha

For the Opposite Party/s : Mr.A.G.

(In CRIMINAL MISCELLANEOUS No. 16896 of 2022)

For the Petitioner/s : Mr.Nachiketa Jha

For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 02-01-2023 Heard learned counsel for the petitioners and

learned APP for the State.

The petitioners have filed the instant application

for grant of regular bail in a case registered for the

offences punishable under Sections 399, 402, 414 of the



Indian Penal Code, Sections 25(1-B)a/26/35 of Arms Act and Sections 8/20(b)(ii)(B) of N.D.P.S. Act.

The prosecution case in nutshell is that during vehicle checking drive 4-5 persons were seen with a motor-cycle by the side of a road. Three persons succeeded in fleeing away while two persons were nabbed on chase who disclosed their name as Aman Shukla and Ankush Sharma. From the possession of co-accused Aman Shukla @ Sonu, 2.850 kgs of Charas, One live Cartridge, a mobile phone were recovered while from the possession of Ankush Sharma (petitioner in Cr. Misc. No. 16896 of 2022), a loaded pistol, a live cartridge and a Glamour Motor cycle bearing registration NO. BR-06CC-7790 were recovered.

It is submitted by learned counsel for the petitioners that the petitioners are innocent and they have committed no offence. They have falsely been implicated in the present case. It is also submitted that petitioners are languishing in judicial custody since



29.01.2022. From the perusal of F.I.R, it appears that the petitioner in Cr. Misc No. 15315 of 2022, namely, Prakash Kumar is not named in F.I.R and his name transpired in the case on the basis of confessional statement of co-accused person, namely, Aman Shukla, who stated that through the petitioner, a motorcycle is with co-accused Dilip Kumar. Nothing incriminating has been recovered from the possession of Prakash Kumar (petitioner in Cr. Misc No. 15315 of 2022). So far as, Ankush Sharma (petitioner in Cr. Misc No. 16896 of 2022) is concerned, a glamour motorcycle said to have been recovered from beside the Road, which did not belong to him. It is further submitted that similarly situated co-accused person has been granted Bail on 26.08.2022 passed in Cr. Misc No. 24252 of 2022, by the coordinate Bench of this Court.

Learned APP appearing for the State has vehemently opposed the prayer for Bail.

Having heard learned counsel for the parties



and taking into consideration the facts and circumstances of the case, this Court is inclined to enlarge the petitioners on bail. The above named petitioners are directed to be enlarged on bail in connection with Gaighat P.S. Case No. 46 of 2022 on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Sessions Judge-cum-Special Judge, Muzaffarpur.

(Sunil Kumar Panwar, J)

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