

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43627 of 2023

Arising Out of PS. Case No.-281 Year-2022 Thana- SINGHESHWAR District- Madhepura

Rupesh Kumar, S/o Mithilesh Yadav, R/o Village- Behanga (Bengha), P.S-
Gamharia, District.- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Mishra, Advocate

For the Opposite Party/s : Mr.Uday Chand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 24-07-2023 1. Heard learned counsel for the petitioner and the
learned APP for the State.

2. Petitioner seeks regular bail in connection with
Singheshwar P.S. Case No. 281 of 2022 dated 12.12.2022
registered for the offences punishable under Sections 399 and
402 of the Indian Penal Code and Sections 25(1-B)a, 26, 35 of
the Arms Act and Section 20(b)(ii)(B) of the N.D.P.S. Act.

3. The main submissions advanced by the learned
counsel for the petitioner are that the alleged articles which are
stated to be fire arms, 1200 gms. of ganja like substance etc.
were allegedly recovered from the possession of the co-accused
Amit Kumar as per the prosecution story narrated in the



FIR but the petitioner was not apprehended at the spot with the said co-accused and his name was revealed by the said apprehended co-accused. Further submissions are that the petitioner was arrested on 15.12.2022 from his house in the present matter but the police failed to recover any incriminating material from his possession showing his involvement in the alleged crime and the material against him is only the statement of co-accused who was apprehended at the spot with the alleged articles and against him the investigation has been completed and he has been languishing in judicial custody since 16.12.2022 and he is a very young person.

4. Learned APP appearing for the State opposes the bail prayer.

5. Having regard to the facts and circumstances of this case and considering the above submissions and mainly the petitioner's custody period and also the facts that he was not apprehended at the spot and his name came into light in the statement of the apprehended co-accused from whose possession the firearms and contraband were recovered, in my opinion, it is a fit case for bail to the petitioner. Accordingly, let the petitioner named-above be enlarged on bail in connection with Singheshwar P.S. Case No. 281 of 2022 on furnishing bail



bond of Rs. 10,000/- (Ten Thousand) with two sureties of the
like amount each to the satisfaction of the Court concerned.

(Shailendra Singh, J)

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