

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44334 of 2022

Arising Out of PS. Case No.-168 Year-2022 Thana- MALSALAMI District- Patna

AAKASH KUMAR @ CHHOTU @ CHHOTI SON OF BRAHMDEV
PRASAD R/O- BHAI SANI TOLA, MANSOORGANJ, P.S.- MALSALAMI,
DISTRICT- PATNA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nityanand Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 31-01-2023 Heard the learned counsel for the
petitioner and the learned A.P.P. for the State.

The petitioner seeks regular bail in connection with Malsalami P.S. Case No. 168 of 2022, registered for the offence punishable under Sections 399, 402 and 413 of the Indian Penal Code and Sections 25(1-b)a, 26 and 35 of the Arms Act.

The case of the prosecution, in brief, is that on 22.03.2022 at about 5:00 P.M., while the informant, who is the Police Inspector of Malsalami Police Station, along with other police personnel, were on patrolling duty, the informant received secret information that some criminals have



gathered with arms and ammunition near pond of Mathani Tal and they were planning to commit some crime. The informant along with police personnel had reached at the said place of occurrence at about 6:50 P.M. and had arrested 7 miscreants and upon search, arms and ammunition, various quantities of Ganja, mobile, vehicle etc were recovered from their possession. As far as the petitioner is concerned, four live cartridges were recovered from his possession.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case, is having a clean antecedent and he is languishing in custody since 23.03.2022. It is further submitted that the petitioner has been sufficiently punished on account of his period of incarceration, hence some sympathy be shown for the purposes of grant of bail.

Per contra, the learned counsel for the State has vehemently opposed the prayer for bail.

Having regard to the facts and



circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record as also considering the fact that the petitioner is having a clean antecedent and is languishing in custody since about 11 months, I deem it fit and proper to admit the petitioner to the privilege of bail.

Accordingly, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-XXIV, Patna in connection with Malsalami P.S. Case No. 168 of 2022 (Special Case No. 54 of 2022).

(Mohit Kumar Shah, J)

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