

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52650 of 2022

Arising Out of PS. Case No.-177 Year-2022 Thana- HAJIPUR SADAR District- Vaishali

Mashum Kumar @ Mashum Singh Son Of Digvijay Singh Resident Of
Village - Bhathahi, P.O.- Jandaha, P.S.- Jandaha, Distt.- Vaishali At Hajipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Pandey
For the Opposite Party/s : Ms.Nirmala Kumari

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 16-03-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has filed the instant application for grant of regular bail in connection with Hajipur Sadar P.S. Case No. 177 of 2022 registered under section 414 of the Indian Penal Code and Sections 25(1-b) a, 26 and 35 of the Arms Act.

The prosecution case in short is that, police received secret information about two miscreants coming on a motorcycle with intention to robbery and they came with arms. The said motorcycle was intercepted and the petitioner and co-accused were apprehended while they tried to flee away. From the conscious possession of the petitioner, a loaded country made pistol with one live cartridge and a motorcycle were recovered.



Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case due to previous enmity with co-villager in respect of land dispute. The petitioner is a teacher and gives private tuition and he has no concern with the alleged recovery of country made pistol and alleged motorcycle. It is further submitted from para-8 of this petition that on the basis of secret information, petitioner was forcibly arrested by informant and also kept the arms and live cartridges in connivance with co-villager. A statement has been made in para-3 of this petition that the petitioner has got no criminal antecedent. Similarly situated other co-accused person has already been granted bail by the different co-ordinate Bench of this Court vide order dated 18.11.2022. in Cr. Misc. No. 42247 of 2022. The petitioner is languishing in judicial custody since 03.03.2022.

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

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case, the Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail in connection with Hajipur Sadar P.S. Case No. 177 of 2022 on



furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Vaishali at Hajipur.

(Sunil Kumar Panwar, J)

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