

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55048 of 2023

Arising Out of PS. Case No.-144 Year-2023 Thana- HATHAURI District- Muzaffarpur

Bittu Kumar @ Rajnish Kumar S/O- Late Sudhir Rai R/O- Village- Lalpur,
P.S- Hathauri, Dist- Muzaffarpur

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prabhakar Nath Rai

For the Opposite Party/s : Mr.Pranav Kumar

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 30-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under section 414 of the Indian Penal Code and Sections 25(1-B)A, 26 & 35 of Arms Act.

3. According to the FIR, prosecution case relates to recovery of one country made pistol along with a live cartridge from possession of the petitioner. The petitioner is said to have apprehended on spot. One as alleged stolen motorcycle has also been recovered from possession of other co-accused.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case. The petitioner has no



concerned with the alleged arms seized by the police. The alleged seized motorcycle has not been recovered from possession of the petitioner. It is further submitted that the seizure list witness are police officials, not a single independent witness which violates section 100 of Cr.P.C. Moreover, he is languishing in judicial custody since 15.6.2023.

5. Learned APP appearing for the state has opposed the prayer of regular bail.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody period of the petitioner, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Hathauri P.S. Case No. 144 of 2023 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Muzaffarpur.

(Sunil Kumar Panwar, J)

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