

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57401 of 2023

Arising Out of PS. Case No.-231 Year-2023 Thana- BIBHUTIPUR District- Samastipur

ABHISHEK KUMAR S/O SURENDRA MAHTO @ SURENDRA
MAHATO R/O VILLAGE- MUSAPUR, P.S- MUFFASIL, DISTT.-
SAMASTIPUR.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mahendra Pratap

For the Opposite Party/s : Mr.Pushpa Sinha.1

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 31-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case
instituted for the offence under Sections 399, 402 of the Indian
Penal Code and Sections 25(1-B)A, 26 and 35 of the Arms Act.

3. As per prosecution case, on receiving secret
information that some miscreants are assembled and planned to
commit a crime, thereafter the police party reached there and
there has been recovery of one phone from possession of the
petitioner.

4. It is submitted by learned counsel for the petitioner
that petitioner has been falsely implicated in this case. He has
committed no offence. Petitioner has apprehended on spot. The



petitioner has no concern with the alleged arms and cartridges, which were recovered from the co-accused. Petitioner is a passer-by and while the petitioner was going to his relative house suddenly, the police reached there and merely on the basis of suspicion arrested the petitioner. No incriminating article has been recovered from the conscious possession of the petitioner. Petitioner has got no criminal antecedent as stated in para-3 of the petition. He is languishing in judicial custody since 02.07.2023.

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

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as period of custody, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Court below in connection with Bibhutipur P.S. Case No. 231 of 2023.

(Sunil Kumar Panwar, J)

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