

Arising Out of PS. Case No.-477 Year-2020 Thana- GHORASAHAN District- East
Champaran

... .. Petitioner/s

Versus

... .. Opposite Party/s

For the Petitioner/s : Mr.Vijay Shankar Shrivastava, Advocate
For the Opposite Party/s : Mr.Md. Fahimuddin, APP

The allegation is regarding the police having received secret information that some miscreants were planning to commit dacoity, whereupon the police had arrived at the place of occurrence and had arrested the miscreants, from whose possession, motorcycle, loaded countrymade pistol and live cartridges as also 1310 grams of charas was recovered. Upon interrogation, they had disclosed that the



petitioner is also one of their accomplice.

The learned counsel for the petitioner submits that the petitioner is innocent, has been falsely implicated in the present case, he is having a clean antecedent and is languishing in custody since 03.06.2022. The learned counsel for the petitioner has further submitted that neither the petitioner was arrested from the spot nor any recovery has been made from the petitioner. It is also submitted that three other co-accused persons have already been granted bail by co-ordinate Benches of this Court vide orders dated 22.11.2021, 23.11.2021 and 18.05.2022, passed in Cr. Misc. no. 20575 of 2021, Cr. Misc. no. 26922 of 2021 and Cr. Misc. no. 48085 of 2021, respectively.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail and has pointed out that the impugned order dated 13.09.2022 shows that the petitioner is an accused in three other cases and is not having a clean antecedent, hence, in case, this Court is inclined to grant bail to the petitioner, the same be made subject to verification of the criminal antecedent of the petitioner by the learned court below.

Having regard to the facts and circumstances of the



case, considering the submissions made by the learned counsel for the parties and taking into account the parity of the case of the petitioner with that of the co-accused persons who have already been granted bail by co-ordinate Benches of this Court, I deem it fit and appropriate to admit the petitioner to the privilege of bail, subject to verification of his criminal antecedent by the learned court below.

Accordingly, the abovenamed petitioner is directed to be released on regular bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge-cum-Special Judge, East Champaran, Motihari in connection with Ghorasahan PS case no. 477 of 2020.

(Mohit Kumar Shah, J)

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