

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63190 of 2023**

Arising Out of PS. Case No.-316 Year-2023 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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Piyush Kumar @ Chunni S/O Nawal Singh @ Nawal Kishore Singh R/O
Village- Iniyar, Ps. Begusarai Mufassil (LAKHO Op), Dist. Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Saket Kumar

For the Opposite Party/s : Mr.Yogendra Kumar Singh

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**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER**

2 09-10-2023 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 sections 25(1-b)a, 26 and 35 of the Arms Act.

3. As per prosecution case, co-accused persons along with petitioner was planning to kidnap a businessman. On the basis of information, police team apprehended co-accused Monu Singh who disclosed the name of the petitioner and said that he had given two country made pistols along with cartridges to this petitioner and the same has been concealed by the petitioner along with one other co-accused person. Thereafter, police recovered the same from the plastic bag.



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 name of the petitioner came into light on the disclosure made by co-accused person. Nothing has been recovered from the conscious possession of the petitioner. The seizure list has not been prepared in the presence of independent witness which violates the provision of 100 Cr.P.C. 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 co-ordinate Bench of this Court vide order dt. 12.09.2023. in Cr. Misc. No. 61448 of 2023. Moreover, the petitioner is languishing in judicial custody since 03.06.2023.

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 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 Begusarai Muffasil (Lakho O.P.) P.S. Case No. 316 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 C.J.M., Begusarai.

(Sunil Kumar Panwar, J)

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