

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69672 of 2023

Arising Out of PS. Case No.-168 Year-2023 Thana- CHAKIA District- East Champaran

LUCKY @ TAUHIR ALAM SON OF GHULAM MOHIUDDIN ANSARI @
MOHAMMAD GULAM MOHIUDDIN RESIDENT OF VILLAGE-
FULWARIYA, PS- BARURAJ, DISTT- MUZAFFARPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar

For the Opposite Party/s : Mr.Humayou Ahmad Khan

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 03-11-2023 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 399, 402, 324, 326, 332, 333, 352, 353, 307 of the Indian Penal Code and Sections 25(1-b)a, 26, 27, 35 of Arms Act.

3. According to the FIR, when the informant along with police personnel were on patrolling duty, a vehicle was trying to escape after seeing them. When police tried to caught them, a clash broke out between the accused and the police. Ultimately, the accused persons have been arrested and from possession of this petitioner, one country made pistol along with cartridges was recovered.



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. 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. The petitioner has got no criminal antecedent as stated para-3 of the bail petition and languishing in judicial custody since 9.5.2023.

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

6. Considering the facts and circumstances of the case as well as custody period of the petitioner, this court is inclined to enlarge him on bail. The above named petitioner is directed to be released on bail in connection with Chakia P.S. Case No. 168 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., Motihari at East Champaran.

(Sunil Kumar Panwar, J)

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