

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69564 of 2023

Arising Out of PS. Case No.-302 Year-2023 Thana- PAHARPUR District- East Champaran

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AMRESH KUMAR @ AMRESH KUMAR RAI S/O ARUN RAI @ ARUN
KUMAR @ ARUN KUMAR RAI RESIDENT OF VILLAGE-
MADHOPUR, P.S- DEWARIYA, DISTT.- MUZAFFARPUR.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Abhishek Kumar

For the Opposite Party/s : Mr.Anand Kishore Choudhary

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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, 414, 120B/34 of the Indian Penal Code and Sections 25(1-b)a, 26, 35 of Arms Act.

3. According to the FIR, the petitioner along with other accused were assembled and preparing for committing offence but the police party raided the place of occurrence and arrested them. On search, two live cartridges and one mobile were recovered from the possession of the petitioner.

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 concern with the alleged arms seized by the police. It is further submitted that the seizure list witnesses are police officials, not a single independent witness which violates section 100 of Cr.P.C. Moreover, the petitioner is languishing in judicial custody since 28.7.2023.

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 the 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 Paharpur P.S. Case No. 302 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 11th A.C.J.M. Motihari at East Champaran.

(Sunil Kumar Panwar, J)

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