

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69158 of 2022

Arising Out of PS. Case No.-545 Year-2022 Thana- GARKHA District- Saran

AFROJ ALI @ MITHUN S/O- Md. Abdulah Resident of village- Jadhauli,
Bathani, P.S.- Marhaura, District- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rakesh Kumar Chandram,
For the Opposite Party/s : Mr. Ganesh Prasad Singh,

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 17-03-2023 Let the defects, if any, pointed out by the office be removed within three weeks from the date of this order, failing which the matter be listed again under the appropriate heading for necessary action.

Heard learned counsel for the petitioner and learned APP for the State.

Petitioner seeks regular bail in connection with Garkha P.S. Case No. 545 of 2022, registered for the offences punishable under Sections 399, 402, 412, 413, 414 of the Indian Penal Code and Sections 25(1-b)a, 26 and 35 of the Arms Act.

As per the prosecution, this petitioner is alleged to have been involved in preparation of *Dacoity* and from the possession of other co-accused persons arms-ammunition were recovered.



The main submissions advanced by petitioner's counsel are that though the petitioner was arrested at the spot along with the other co-accused persons but from his possession any incriminating material was not recovered and the co-accused Nitesh Kumar who was apprehended at the spot, revealed the role of this petitioner in the alleged offence of loot and the said co-accused Nitesh Kumar has been granted bail by co-ordinate Bench of this Court vide order passed in Cr. Misc. No. 67089 of 2022 and the alleged tractor which is stated to be the looted vehicle, was recovered in following with the disclosure statement made by the co-accused Nitesh Kumar and after petitioner's arrest in the present matter he was remanded in other P.S. Case, except this as well as present case there is no any other criminal case against him and the investigation has been completed against the petitioner.

Learned APP appearing for the State has opposed the prayer for bail.

In view of the facts, as stated above and mainly considering the petitioner's young age as mentioned in the petition as well as his custody period and the privilege of bail having been granted to co-accused Nitesh Kumar who was apprehended along with this petitioner, in my opinion, it is a fit



case for bail to the petitioner. Accordingly, let the petitioner
named-above be enlarged on bail on furnishing bail bond of Rs.
10,000/- (ten thousand) with two sureties of the like amount
each to the satisfaction of the concerned Court in connection
with Garkha P.S. Case No. 545 of 2022

(Shailendra Singh, J.)

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