

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71924 of 2022

Arising Out of PS. Case No.-74 Year-2022 Thana- AMARPUR District- Banka

BIRJU MANDAL @ BRAJESH KUMAR S/o Om Prakash Mandal R/o
Village- Kathara, P.S.- Amarpur, Distt- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee

For the Opposite Party/s : Mr. Navin Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 17-03-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 399, 402 of the Indian Penal Code and Section 25(1-b)a, 26/35 of the Arms Act.

Allegation against the petitioner along with co-accused persons that while they were assembled and preparing for committing offence, the police party raided the place of occurrence and arrested co-accused Tinku Raj. On search, one country made pistol along with live cartridges were recovered from the possession of the Tinku Raj who disclosed the name of the petitioner as his associate.

Learned counsel for the petitioner submits that the



petitioner is innocent and has committed no offence. He has falsely been implicated in this case. Neither the petitioner was arrested on spot nothing incriminating article has been recovered from his conscious possession. The petitioner has no concern with the alleged arms which was seized by the police whereas the same was recovered from the possession of co-acused namely, Tinku Raj who disclosed the name of the petitioner in this case. It is further submitted that the petitioner is languishing in judicial custody since 12.9.2022.

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

Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Amarpur P.S. Case No. 74 of 2022 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-I, Banka.

(Sunil Kumar Panwar, J)

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