

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72610 of 2022

Arising Out of PS. Case No.-108 Year-2022 Thana- BARURAJ District- Muzaffarpur

Amit Kumar Son Of Satyanarayan Bhagat @ Sahdev Bhagat @ Satyanarayan Prasad Resident Of Village - Kathaiya, Chainpur, P.S.- Kathaiya, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Priyesh Kumar

For the Opposite Party/s : Mr.Md. Shakir Ahmad

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 20-03-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has filed the instant application for grant of regular bail in connection with Baruraj P.S. Case No. 108 of 2022 registered under sections 399, 402 and 414 of the Indian Penal Code and Sections 25(1-b)a, 26 and 35 of the Arms Act as well as Sections 8, 20(b), (ii) (B) of the N.D.P.S. Act.

Prosecution case in short is that several co-accused persons including this petitioner were assembled at poultry farm for planning to commit loot and they have arms, stolen motorcycle and ganja like substance. In the meantime, police party reached there after that they started fleeing away from there but four co-accused persons apprehended by the police



and petitioner along with other co-accused persons managed to escape from there. From the possession of apprehended co-accused persons, there have been recovery of some pistols, live cartridges, about 2.550 kg of ganja like substance and motorcycles.

Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case. It is further submitted that the name of the petitioner came into light in this case on the basis of confessional statement of other co-accused person, namely, Rahul Singh@ Tiwary before the police. It is also submitted that the arms, ganja like substance and motorcycles have been recovered from the possession of the apprehended co-accused persons, namely, Rahul Singh, Ajay Kumar, Mohan Mahto and Rishi Kumar. Nothing has been recovered from the conscious possession of the petitioner. He has no concern either with the alleged occurrence or with the other co-accused persons. A statement has been made in para-3 of this petition that the petitioner has got no criminal antecedent. He is languishing in judicial custody since 10.06.2022.

The application for bail is opposed by learned APP for the State.



Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case as well as the custody of the petitioner, the Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail in connection with Baruraj P.S. Case No. 108 of 2022 on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge Muzaffarpur.

(Sunil Kumar Panwar, J)

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