

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3389 of 2023**

Arising Out of PS. Case No.-110 Year-2022 Thana- MIRGANJ District- Gopalganj

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ARUN KUMAR UPADHYAY @ DEEPAK KUMAR SON OF LATE
SHANKER UPADHYAY @ VIJAY SHANKER UPADHYAR SAHEB
CHAK, P.S.- MIRGANJ, DISTT.,- GOPALGANJ

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sushil Kumar

For the Opposite Party/s : Mr.Shailendra Kumar

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**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

4 08-05-2023 Heard learned counsel for the petitioner as well as

learned APP for the State.

In this case, the petitioner is seeking regular bail in
connection with Mirganj P.S. Case No. 110 of 2022, registered
for the offences punishable under Sections 414/34 of the IPC
and 25(1-b)a/26(i)/35 of the Arms Act.

As per allegation, the petitioner was arrested at the
spot. A country-made pistol and five cartridges were recovered
from his possession.

The learned counsel for the petitioner has submitted
that the petitioner is under custody since 05.04.2022. On exactly
similar footing, co-accused Prakash Kumar Pandey has been
granted bail by a coordinate Bench of this Court in Cr. Misc.



No. 67606 of 2022.

On the other hand, the learned APP Sri Shailendra Kumar has opposed the prayer for bail and submitted that the petitioner has confessed his guilt.

Considering the above-mentioned facts and circumstances, let the petitioner above-named be released on bail on furnishing bail bonds of Rs.10,000/- with two sureties of the like amount each to the satisfaction of learned A.C.J.M.- XV, Gopalganj in connection with Mirganj P.S. Case No. 110 of 2022, subject to the following conditions:-

(i) The petitioner shall cooperate in the disposal of trial and make himself available as and when required by the court.

(ii) If the petitioner is found involved in future in the similar type of offence, the prosecution will have liberty to file an application before the court below for cancellation of the bail of the petitioner and the learned court below will take decision in accordance with law.

(Nawneet Kumar Pandey, J)

Kundan/Nirmal

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