

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3364 of 2023

Arising Out of PS. Case No.-493 Year-2022 Thana- KATIHAR NAGAR District- Katihar

MOTI BHAGAT Son of Ramchandrar Bhagat R/o Hirdayganj, P.S.- Katihar,
Thana Nagar Sahayak, District- Katihar

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajnish Kumar Singh
For the Opposite Party/s : Mr.Md. Shakir Ahmad

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 01-05-2023 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner has prayed for bail in a case registered for the offence punishable under sections 399, 402, 420, 467, 468 of the Indian Penal Code and sections 25(1-b)a, 26/35 of the Arms Act.

Prosecution case relates to gathering of antisocial elements for hatching a conspiracy. Acting on a tip off, police party proceeded towards the place of occurrence and apprehended two accused namely co-accused Sonu Jha and the petitioner were arrested on spot. On search, one automatic pistol and six live cartridges along with mobile phone were recovered from possession of co-accused Sonu Jha and from nearby parked Tata Punch Car, one empty magazine, 20 live bullet and 6 empty cartridges apart from several mobiles were recovered .

It is submitted by learned counsel for the petitioner that



petitioner has been falsely implicated in this case. Nothing has been recovered from conscious possession of the petitioner rather the same has been recovered from co-accused Sonu Jha. Petitioner has no concern with the seized arms or with the vehicles in question. Save and except self confessional statement, no consistent material has come during investigation to show the involvement of the petitioner in the present case. Provision of Section 100 CR.P.C. has not been followed by the police officials while preparing the seizure list. Petitioner has got no criminal antecedent and he is languishing in judicial custody since 18.08.2022.

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

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 enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned CJM, Katihar in connection with Katihar Nagar Sahayak P.S. Case No. 493 of 2022.

(Sunil Kumar Panwar, J)

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