

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.364 of 2023**

Arising Out of PS. Case No.-113 Year-2022 Thana- MOTIPUR District- Muzaffarpur

LAW KUSH KUMAR Son of Lalbabu Sahni R/v- Bhagwatiya, P.S.-  
Keshariya, District- East Champaran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Hans Lal Kumar

For the Opposite Party/s : Mr.Abhay Kumar Roy

**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR**  
**ORAL ORDER**

2      24-03-2023                      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 section 414 of the IPC and Section 25(1-b)a/26/35 of the Arms Act.

The prosecution case, in brief, is that the informant along with police personnel while on patrolling duty, apprehended the accused persons including the petitioner and recovered one live cartridge from possession of the petitioner and other arms were recovered from possession co-accused persons. Accordingly, the seizure list has been prepared in accordance with law.

Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has



falsely been implicated in this case due to high handedness. The petitioner has no concern with the alleged arms or motorcycle which were seized by the police. Moreover, similarly situated co-accused namely, Chandan Kumar has already been granted bail by a co-ordinate Bench of this Court vide order 23.11.2023 passed in Cr. Misc. No. 43157 of 2022. It is further submitted that the petitioner is languishing in judicial custody since 23.3.2022.

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 Motipur P.S. Case No. 113 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 Additional Chief Judicial Magistrate-2nd (West), Muzaffarpur.

**(Sunil Kumar Panwar, J)**

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