

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7181 of 2024

Arising Out of PS. Case No.-468 Year-2023 Thana- BUXAR MUFFSIL District- Buxar

Mrityunjay Pathak @ Pintu Pathak SON OF KRISHNANAND PATHAK
RESIDENT OF VILLAGE- JASO, PS- BUXAR (MUFFASIL), DISTT-
BUXAR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Chandan Kumar, Adv.

For the Opposite Party/s : Mr.Zainul Abedin, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 09-04-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Buxar (M) @ Buxar (Muffasil) P.S. Case No.468 of 2023
lodged under Sections 25(1-b)a/ 26 and 35 of the Arms Act.

3. As per the prosecution case, the F.I.R. has been
lodged against five named and two unknown accused persons
including the petitioner against whom recovery of huge arms
and ammunition has alleged to be made from the said house and
the petitioner is one of the brother.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. He submits
that the said house in which the recovery has been made,



belongs to the grandfather of the petitioner in which different families are residing.

5. Counsel specifically alleged that the petitioner's antecedent is clean and he is doing business and owner of Shreya Agro Food Products and he is a respected businessman of the locality. It has also alleged that he is residing with his family members in different village-Chilahari whereas the recovery of arms has been made from the house of Village-Jaso.

6. Counsel further submits that the petitioner is completely separate in mess and business from other co-accused. He submits that the petitioner is in custody since 30.10.2023.

7. Counsel also submits that the bail application of one of the co-accused has been rejected by this Court with liberty to renew his prayer for bail three months after framing of charge.

8. Counsel further submits that nothing has been recovered from the conscious possession of the petitioner. It has also not come that the said recovery was made from his room which has been allotted to him.

9. Learned counsel for the State opposes the prayer for bail and submits that case diary has been called for. Upon



perusal of the case diary, criminal antecedent report has come in which the antecedent of co-accused namely, Abhimanyu Pathak and Dara Pathak is there, but there is no criminal history against the present petitioner.

10. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Buxar in connection with Buxar (M) @ Buxar (Muffasil) P.S. Case No.468 of 2023, subject to the following conditions as laid down under Section 437(3) of Cr.P.C.

(Dr. Anshuman, J.)

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