

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11547 of 2024

Arising Out of PS. Case No.-425 Year-2023 Thana- KALYANPUR District- East Champaran

Aurangzeb Alam S/O- Anwar Alam @ Anwar Ali R/O- Village- Kalyanpur,
P.S.- Kalyanpur, Dist.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Tiwari, Adv.

For the Opposite Party/s : Mr. Choubey Jawahar, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 23-02-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Kalyanpur P.S. Case No. 425 of 2023 (G.R. No. 98 of 2023) instituted for the offences under Sections 399, 402 and 414 of the Indian Penal Code r/w Section 25(1-b)a, 26 and 35 of the Arms Act and Section 8/20 (b) (ii) (c) of the N.D.P.S. Act.

3. As per prosecution case, the F.I.R. named accused persons including the present petitioner were arrested on the spot, while they were assembled to commit *loot-pat* from employee of the Finance Company. In course of search, from the possession of the petitioner, two mobiles were recovered. It is alleged that the police has recovered three packets Charas



weighing 1 Kg. 316 gms. kept in Johla, one country made loaded pistol with one live cartridge, three live cartridges kept in the pocket of pant and two mobiles have been recovered from the possession of the co-accused Satyendra Kumar Yadav @ Bullet Yadav. Other articles as mentioned in the seizure list were also recovered from the other co-accused persons.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner has no concern with the seized article. He further submits that the seized Charas or fire-arms and ammunition were recovered from the other co-accused persons and not from the petitioner. The petitioner has no criminal antecedent as has been stated in paragraph no.3 of the present bail application. There is a non-compliance of Section 100 of the Cr.P.C. which creates a serious doubt in the prosecution case. The petitioner is languishing in judicial custody since 28.11.2023.

5. Learned counsel for the petitioner again submits that the co-accused Ranjan Kumar has been granted bail by a Co-ordinate Bench of this Court vide order dated 20.02.2024



passed in Cr. Misc. No. 9925 of 2024.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. Considering the entire facts and circumstances of the case and taking into account the period of custody of the petitioner as also the petitioner having no criminal antecedent, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Kalyanpur P.S. Case No. 425 of 2023 (G.R. No. 98 of 2023).

(Rudra Prakash Mishra, J)

rishi/-

U		T	
---	--	---	--

