

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11053 of 2024

Arising Out of PS. Case No.-545 Year-2023 Thana- MADHUBAN District- East Champaran

Alok Kumar S/O Late Ruplal Prasad Kushwaha R/O Vill - Mahauta, P.S. -
Madhuban, Distt. - East Champaran

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukul Kumari

For the Opposite Party/s : Mr.Dr.Mrityunjaya Kr.Gautam

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 22-02-2024 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner has filed the instant application for grant of regular bail in a case registered for the offences punishable under Sections 399, 402, 413, 414 of the Indian Penal Code and Sections 25(1-b)a, 26, 35 of Arms Act.

It is a case of recovery of incriminating articles from the possession of the co-accused persons. As per seizure list, one country made pistol and two mobiles have been recovered from the possession of co-accused, namely, Sonu Kumar. One country made pistol and one live cartridge have been recovered from the possession of co-accused,



namely, Rupa Kumar and one mobile, one knife and one bag containing bio metric charger, samsung Tablet-phone and cash Rs. 1,06,000/- from the possession of co-accused, namely, Krishna Kumar. Petitioner is alleged to have fled away from the place of seizure.

It is submitted by learned counsel for the petitioner that the petitioner is innocent and they have committed no offence. He has falsely been implicated in the present case. Nothing incriminating has been recovered from the possession of the petitioner and his name sprang up in this case on the basis of confessional statement of apprehended co-accused, namely, Sonu Kumar and Krishna Kumar. Petitioner has no concern either with the recovered articles or with the co-accused persons. There is no independent witness of the alleged seizure. Moreover, the petitioner is languishing in judicial custody since 14.12.2023. Similarly situated several co-accused persons have been granted bail vide order dated 09.02.2024, passed in Cr. Misc. No. 5934 of 2024 by this Court.

Learned APP appearing for the State has



vehemently opposed the prayer for Bail.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case *as well as period of custody*, this Court is inclined to enlarge the petitioners on bail. The above named petitioners are directed to be enlarged on bail in connection with Madhuban P.S. Case No. 545 of 2023 on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, East Champaran, Motihari.

(Sunil Kumar Panwar, J)

Nirajkrs/-

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