

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13789 of 2024

Arising Out of PS. Case No.-174 Year-2023 Thana- VIDYAPATINAGAR District-
Samastipur

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Amritesh Kumar @ Pappu Son of Kailash Bhagat Resident of Village-
Balkrishanpur Marwa, P.s.- Vidyapati Nagar, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Amit Kumar, Advocate

For the Opposite Party/s : Mr.Brajendra Nath Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 24-04-2024 Heard learned counsel appearing on behalf of the

petitioner and the learned APP for the State.

2. Petitioner seeks pre-arrest bail in connection with

Vidyapati Nagar P.S.case N.174/23 registered for the offences

punishable under Sections 25(1-B)a and 26 of the Arms Act.

3. As per the allegation made in the FIR, the Sub

Inspector of Police upon information raided the Potato godown

of the petitioner where unlicencee country-made pistol was

found in the Counter of the shop of the petitioner.

4. Learned counsel appearing on behalf of the

petitioner submitted that the petitioner is innocent and the

recovery of the Pistol from the Counter of the shop of the

petitioner was made behind his back and no seizure list was



prepared in the presence of any staff of the petitioner. The seizure list is the table work of the Investigating Officer. FIR has been lodged by the Police Officer, who has inimical terms with the petitioner. Petitioner is a dignified business man. Petitioner has criminal antecedent of two cases and one of them is of similar nature, which was lodged against the petitioner by the father of one of the witnesses to the seizure list, namely Yodhan Mahto with the vested interest.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail to the petitioner.

6. Having considered the rival submissions made on behalf of the parties, as well as, considering the fact that the earlier the father of one of the witnesses to the seizure list, namely, Jodhan Mahto had lodged Vidyapati Nagar P.S. Case No.173 of 2023 against the petitioner. *Prima facie* the petitioner has made out a case to be released on bail, the petitioner is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the learned court below within a period of four weeks from today, on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned ACJM II Dalsingsarai, District Samastipur/concerned court, in connection



with Vidyapati Nagar P.S.Case No.174 of 2023, subject to conditions as laid down under Section 438(2) of the Cr.P.C.

7. The court below is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other cases as what has been stated in paragraph No.3 of the bail application, this order will automatically lose its force.

(Purnendu Singh, J)

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