

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13326 of 2024

Arising Out of PS. Case No.-589 Year-2023 Thana- CHIRAIYA District- East Champaran

Akash Thakur S/O Mahant Thakur R/O Village- Chauhan Chhapra Kumhrar,
P.S- Phenhara, Distt.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Dashrath Mehta, APP

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

ORAL ORDER

2 04-03-2024 Heard learned counsel for the petitioner and

learned APP for the State.

2. The petitioner seeks bail in connection with

Chiraiya (Shikarganj) P.S. Case No. 589 of 2023 instituted

for the offences under Section 25(1-b)a, 26 of the Arms Act.

3. As per allegation, during course of vehicle

checking, the police apprehended and motorcycle borne

person. On query, he disclosed his name as Akash Thakur

(the petitioner). On search, the police recovered a country-

made pistol and two live cartridges in its magazine from the

waist of the petitioner. The police also recovered a Samsung

mobile and Apache motorcycle from the possession of the



petitioner.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him 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 is not the owner of the seized motorcycle and the seized mobile phone belongs to 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 22.12.2023.

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

6. 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 Chiraiya
(Shikarganj) P.S. Case No. 589 of 2023.

(Rudra Prakash Mishra, J)

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