

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17201 of 2024

Arising Out of PS. Case No.-335 Year-2023 Thana- MOTIPUR District- Muzaffarpur

Gaurav Kumar, aged about 22 years, Male, Son of Chulhai Pandit, Resident
of Village - Bara Hasan, P.S. - Minapur, District – Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Kant Singh, Advocate

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

2 20-03-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Motipur PS Case No. 335 of 2023 instituted for the offences
punishable under Sections 341, 323 and 307 of the Indian Penal
Code and Sections 25(1-b)a, 26, 27 and 35 of the Arms Act.

3. As per the prosecution case, it is a case of recovery
of one pistol, one live cartridge and one empty cartridge from
the possession of the petitioner.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence and has
falsely been implicated in this case. The police forcibly put the
signature of the petitioner and prepared wrong confessional



statement. He has been falsely implicated by the local police and named in the FIR. Petitioner is in custody since 17.10.2023.

5. Learned APP opposes the prayer for bail.

6. From perusal of the FIR and the impugned order of the learned Sessions Judge, Muzaffarpur dated 15.01.2024, it is evident that petitioner has been named as accused in this case, which has been registered on the basis of written complaint given by informant, namely Bhola Dubey. The informant stated that three persons sitting on a motor-cycle came near and started snatching his mobile. On protest, he was assaulted by them. In the meantime, one miscreants fired gun shot in air. Petitioner was apprehended at the spot and he disclosed the names of his associates, who ran away from the spot. From perusal of the FIR, it appears that the petitioner is arrested at the spot and from his possession one live cartridge with pistol were recovered and the witnesses have supported the prosecution case.

7. Considering the facts and circumstances of the case and the nature of allegation, I am not inclined to grant bail to the petitioner.

8. Prayer for regular bail of the petitioner is hereby rejected.

9. Learned trial Court is directed to conclude the trial



preferable within a period of one year from the date of receipt
of this order.

(Ramesh Chand Malviya, J)

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