

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24424 of 2024

Arising Out of PS. Case No.-268 Year-2023 Thana- RAJEPUR District- East Champaran

Mithun Kumar, Male, aged about 18 years, Son of Madan Sahani, Resident of Village- Ismaila, P.S.- Rajepur, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Patanjali Rishi, Advocate

For the Opposite Party/s : Mr. Uday Chand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

2 29-04-2024 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner apprehends his arrest in connection with Rajepur P.S. Case No. 268 of 2023 instituted for the offences punishable under Sections 25(1-B)(a), 26 and 35 of the Arms Act, 1959.

3. As per the prosecution case, one country-made loaded pistol with a live cartridge has been recovered from the accused persons.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence and has been falsely implicated in this case. Petitioner has been made accused only on the basis of confessional statement of the co-accused Ravi Kumar. Petitioner has no criminal antecedent as stated in para 3 of the petition. No incriminating articles has



been recovered from the conscious possession of the petitioner.

5. Learned APP opposes the prayer for bail.

6. From perusal of the FIR and the impugned order of the learned Additional Sessions Judge-XVI, Motihari, East Champaran dated 22.02.2024, it appears that petitioner has no criminal antecedent and his name has been surfaced on the basis of confessional statement of co-accused, Ravi Kumar. Nothing has been recovered from the conscious possession of the petitioner.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of his arrest or surrender before the Court below within six weeks from today, the petitioner above named be released on bail upon furnishing bail bonds of Rs. 10,000/- (Ten Thousand only) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, East Champaran at Motihari in connection with Rajepur P.S. Case No. 268 of 2023, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

(Ramesh Chand Malviya, J)

Anand Kr.

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

