

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25361 of 2024

Arising Out of PS. Case No.-261 Year-2023 Thana- MURLIGANJ District- Madhepura

Aarpi Kumar S/O Sanjay Kumar R/O Village- Shishwapatti, Ward No. 07,
P.S- Gwalpara (Arar O.P), Distt.- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Akash Anand, Adv.

For the Opposite Party/s : Mr.Arun Kumar Pandey, APP

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

ORAL ORDER

3 26-06-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State. Perused the case diary.

2. The petitioner apprehends his arrest in connection with Muraliganj P.S. Case No. 261 of 2023 instituted for the offences under Sections 392, 411 of the Indian Penal Code and Section 25(1-B)a, 26, 35 of the Arms Act.

3. As per prosecution case, the accusation against the petitioner is being involved in the loot of a cash of Rs. 500/- and one mobile phone bearing SIM No. 8797339546. It is alleged that one of the three miscreants namely Bikram Kumar was arrested by the police who disclosed the name of the persons who managed to flee away from there as Suman Kumar and Aarpi Kumar (petitioner). On search, a country-made pistol and



one live cartridge and looted cash amounting Rs. 500/- as well as a mobile phone were recovered from the apprehended person.

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. There is no direct or specific allegation of any overt act against the petitioner rather the same is general and omnibus in nature. The name of the petitioner has surfaced in this case on the basis of the disclosures made by the apprehended person by the police and, except this, there is nothing on record against the petitioner. He further submits that the petitioner and the co-accused Bikram Kumar are in inimical terms and, due to this, the name of the petitioner has sprung in this case. The petitioner has no concern with the alleged occurrence and the seized article. The petitioner has no criminal antecedent.

5. Learned counsel for the petitioner further submits that the co-accused Suman Kumar has been granted regular bail by this Court vide order dated 29.01.2024 passed in Cr. Misc. No. 3600 of 2024.

6. On the other hand, learned A.P.P. for the State has



vehemently opposed the prayer for grant of bail to the petitioner stating that the allegation alleged against the petitioner is serious in nature.

7. Considering the entire facts and circumstances of the case and taking into account the submissions made by the learned counsel for the petitioner, let the petitioner, above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Muraliganj P.S. Case No. 261 of 2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Rudra Prakash Mishra, J)

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