

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35893 of 2024

Arising Out of PS. Case No.-10 Year-2024 Thana- SAHIYARA District- Sitamarhi

Avnish Kumar S/O Ramdayal Ram R/O VILLAGE- GHARBARHA, P.S.-
SUPPI, DIST- Sitamarhi

... .. 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.Chaubey Jawahar, APP

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

ORAL ORDER

2 10-05-2024 Heard learned counsel for the petitioner and Mr.
Chaubey Jawahar, learned APP for the State.

2. The petitioner seeks bail in connection with Sahiyara P.S. case No. 10 of 2024 instituted for the offences under Sections 399 & 402 of the I.P.C. and Sections 25(1-b)a, 26, 35 of the Arms Act.

3. As per the F.I.R., co-accused along with this petitioner were apprehended on the spot. On search, one country-made pistol and one live cartridge was recovered from the possession of the co-accused Kundan Das.

4. Learned counsel for the petitioner submitted that the petitioner has falsely been implicated in the present case. No incriminating article has been recovered from the conscious possession of the petitioner. Learned counsel further submitted



that petitioner has got no concern with the recovered arms and ammunitions. The co-accused person has already been granted bail by a Coordinate Bench of this Court vide order dated 29.04.2024 passed in Cr. Misc. No. 27905 of 2024. It has been submitted on behalf of the petitioner that the petitioner is in custody since 22.01.2024 and has no criminal antecedent. There is no compliance of Section 100 of the Cr.P.C.

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

6. Considering the aforesaid facts and circumstances of the case, claim based on parity as also the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner 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 Sahiyara P.S. case No. 10 of 2024.

(Rudra Prakash Mishra, J)

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