

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39375 of 2024

Arising Out of PS. Case No.-851 Year-2023 Thana- AMARPUR District- Banka

Chhotu Kumar S/o Wakil Harijan R/o Village-bharko, P.S.-amarpur, District-Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee, Advocate
For the Opposite Party/s : Mr. Dilip Kumar No. 1, APP

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

ORAL ORDER

2 21-06-2024 Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner seeks bail in Amarpur P.S. Case No. 851 of 2023, instituted for the offences punishable under Sections 25(1-b)a, 26 and 35 of the Arms Act.

3. The prosecution case, in short, is that, on the basis of viral photograph of co-accused Gadar Kumar, the police apprehended the co-accused and on his confessional statement, recovery of country-made pistol and five live cartridges was made from the house of the petitioner.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. No incriminating material has been recovered from



the conscious possession of the petitioner. The petitioner is in custody since 18.12.2023 and has got no criminal antecedent. Learned counsel for the petitioner further submits that similarly situated co-accused has been granted bail by this Court vide order dated 15.03.2024 passed in Cr. Misc. No. 18929 of 2024. There is no compliance of Section 100 of Cr.P.C.

5. Learned APP 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, taking into account the period of custody undergone by the petitioner and claim based on parity, 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/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Amarpur P.S. Case No. 851 of 2023.

(Rudra Prakash Mishra, J)

Rajorshi/-

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