

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47348 of 2024

Arising Out of PS. Case No.-129 Year-2024 Thana- AMARPUR District- Banka

Ashish Kumar Choudhary @ Ajitesh Kumar @ Ashish Kumar Son Of Balram Yadav @ Balram Pd. Yadav Resident Of Village - Chhoti Govindpur (Phulka), Police Station - Jamalpur, District - Munger. At Present Resident Of Village - Rampur, Police Station - 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. Satya Nand Shukla, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 05-07-2024 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in Amarpur P.S. Case No. 129 of 2024, 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, one loaded country made masket along with one live cartridge has been recovered from the possession 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. Learned counsel for



the petitioner also submits that the recovered articles do not belong to the petitioner. The petitioner is in custody since 26.02.2024 and has got four criminal antecedents in which the petitioner is on bail in one case. There is no compliance of Section 100 of Cr.P.C. Learned counsel for the petitioner further submits that similarly situated co-accused has been granted bail by this Court vide order dated 23.05.2024 passed in Cr. Misc. No. 38324 of 2024.

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. 129 of 2024, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date



fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

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