

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48490 of 2024

Arising Out of PS. Case No.-86 Year-2023 Thana- MOTIPUR District- Muzaffarpur

Prem Chandra Kumar Son of Arun Paswan R/o village - Senduari Gaj Singh,
P.S. - Motipur, Dist.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok, Advocate

For the Opposite Party/s : Mr. Ram Anurag Singh, APP

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

ORAL ORDER

2 12-07-2024 Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner seeks bail in Motipur P.S. Case No.
86 of 2023, instituted for the offences punishable under Section
394 of the Indian Penal Code and Section 27 of the Arms Act.

3. The prosecution case, in short, is that, informant
was accosted with two unknown miscreants, who on the point of
pistol looted motorcycle, mobile phone, bag. It is further alleged
that one of the co-accused has fired upon the informant, which
hit the thigh of the informant.

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 petitioner is not named in the F.I.R. and his name has transpired on the basis of his own confessional statement after he was arrested in Motipur P.S. Case No. 106 of 2023. There is recovery of looted mobile phone from the possession of the petitioner. No T.I.P has been conducted in this case. The petitioner was remanded in this case on 17.07.2023 and has got seven criminal antecedents in which the petitioner is on bail. Learned counsel for the petitioner further submits that similarly situated co-accused has been granted bail by this Court vide order dated 22.04.2024 passed in Cr. Misc. No. 30296 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 Motipur P.S. Case



No. 86 of 2023, 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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