

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48394 of 2024

Arising Out of PS. Case No.-28 Year-2024 Thana- KUSHESHWARASTHAN District-
Darbhanga

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Md. Mukhtar Ansari Md. Mustaq Ansari @ Md. Mustaque Ansari @ Md.
Mushtaque Ansari Village- Afjla Tole Khewa Station Road Ps- Biraul Dist-
Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Nilendu Kumar Choudhary, Advocate
For the Opposite Party/s : Mr. Zainul Abedin, APP

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

ORAL ORDER

2 24-07-2024 Heard learned counsel for the petitioner and

learned APP for the State.

2. The petitioner seeks bail in Kusheshwar Asthan P.S.

Case No. 28 of 2024, instituted for the offences punishable
under Sections 399, 402 of the Indian Penal Code and Sections
25(1-b)a, 26 and 35 of the Arms Act.

3. The prosecution case, in short, is that, the petitioner
along with other co-accused persons were planning to commit
dacoity and on search, a country made pistol was recovered
from the possession of co-accused Md. Aarsi. The petitioner was



apprehended on spot.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. Charge-sheet has been submitted in this case. No incriminating material has been recovered from the conscious possession of the petitioner. Learned counsel for the petitioner further submitted that the petitioner has got no concern with the alleged recovery of arms and co-accused persons. The recovery of arms has been made from the possession of Md. Aarsi. The petitioner was a passerby of that way and on the basis of suspicion he was arrested by the police. The petitioner is in custody since 22.02.2024 and has got no criminal antecedent. 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 and taking into account 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/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Court



below/concerned Court in connection with Kusheshwar Asthan
P.S. Case No. 28 of 2024

(Rudra Prakash Mishra, J)

Rajorshi/-

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