

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50532 of 2024

Arising Out of PS. Case No.-811 Year-2023 Thana- MOTIHARI TOWN District- East
Champaran

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Upendra Kumar @ Sunny Patel Son of Dinesh Patel Resident of Village-
Patkhauliya, P.S.- Chakiya, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Kumar No.1, Advocate
For the Opposite Party/s : Mr. Abhay Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 16-07-2024

1. Heard learned counsel for the parties.

2. The petitioner in this application prays for bail apprehending his arrest in connection with Motihari Town P.S. Case no.811 of 2023 registered for the offence punishable under sections 25(1-B)(a), 26 and 35 of the Arms Act.

3. As per the prosecution case, while two accused persons were caught, incriminating articles including a loaded country made pistol with two live cartridges were recovered from their possession. The informant further states that one person managed to escape. On enquiry, the accused who was caught disclosed the name of the petitioner as the person who had escaped.

4. Learned counsel for the petitioner submits that



neither the petitioner was arrested at the spot nor any incriminating article has been recovered from his possession. The only material against him is the statement of a co-accused made before police. The petitioner has no criminal antecedent.

5. Heard learned A.P.P. for the State.

6. Having heard learned counsel for the parties and taking into consideration the allegation against the petitioner in the FIR and the petitioner not having any criminal antecedent, it is directed that the petitioner, above named, in the event of his arrest or surrender before the learned Court below within a period of four weeks, be released on anticipatory bail in connection with Motihari Town P.S. Case no.811 of 2023 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Motihari, East Champaran subject to the conditions as laid down under section 438(2) of the Code of Criminal Procedure.

(Partha Sarthy, J)

Saurabh/-

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