

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55280 of 2024

Arising Out of PS. Case No.-189 Year-2024 Thana- PAHARPUR District- East Champaran

Nek Mohammad Miyan @ Nek Mahamad Son Of Rafik Miyan @ Rafique
Mian Village- Dudhahi, Ps- Harsidhi, Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Prasad, Advocate

For the Opposite Party/s : Mr. Arun Kumar Singh, APP

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

ORAL ORDER

2 14-08-2024 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with
Paharpur P.S. Case No. 189 of 2024 instituted for the offence
under Sections 414 & 34 of the Indian Penal Code and Sections
25(1-B)a, 26 & 35 of the Arms Act.

3. Prosecution case in short is that while the police
party was patrolling, one accused person was caught by them
and from his possession one country made pistol, cartridges and
motorcycle were recovered.

4. It has been submitted on behalf of the petitioner
that the petitioner is in custody since 30-04-2024. Petitioner is a
man of clean antecedent.

5. It has been further submitted by the petitioner's



counsel that petitioner has been falsely implicated in the present case. Petitioner is not named in the FIR. Name of the petitioner has transpired on the basis of confessional statement of co-accused, namely, Rupesh Kumar, and the same has no evidentiary value. Nothing has been recovered from the possession of the petitioner. There is no independent witness to the occurrence. It is lastly submitted that charge sheet has already been submitted in this case.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner, clean antecedent of the petitioner and charge sheet being submitted, this Court is inclined to grant bail to the petitioner.

8. Let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Paharpur P.S. Case No. 189 of 2024.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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