

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55556 of 2024

Arising Out of PS. Case No.-13 Year-2024 Thana- Kotwali District- Darbhanga

Gautam Kumar Son of Arun Kumar Yadav Resident of village - Kakarghatti,
P.S.- Sadar, District - Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Girish Chandra Jha, Advocate

For the Opposite Party/s : Mr. Raj Kishor Singh, APP

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

ORAL ORDER

3 27-09-2024 Heard learned counsel for the petitioner, learned
APP for the State and perused the case diary.

2. The petitioner seeks bail in Kotwali P.S. Case No.
13 of 2024, instituted for the offences punishable under Section
411 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, during the
course of vehicle checking, accused persons including the
petitioner, who were on motorcycle, were stopped by police
party and on search one country made pistol has been recovered
from the conscious 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 petitioner has got no concern with the alleged recovery of arms. The petitioner is in custody since 29.05.2024 and has got no criminal antecedent. Learned counsel for the petitioner further submits that similarly situated co-accused has been granted regular bail by this Court vide order dated 06.09.2024 passed in Cr. Misc. No. 62828 of 2024. 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, 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 Kotwali P.S. Case No. 13 of 2024.

(Rudra Prakash Mishra, J)

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