

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57746 of 2024

Arising Out of PS. Case No.-302 Year-2024 Thana- MUFFASIL District- West Champaran

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MOHAMMAD MOJAHID ALAM SON OF LATE HASAN IMAM
RESIDENT OF VILLAGE - INDIRA CHOWK, POLICE STATION -
BETTIAH TOWN, DISTRICT - WEST CHAMPARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sarvesh Kashyap, Advocate

For the Opposite Party/s : Dr. Ajeet Kumar, APP

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

ORAL ORDER

3 04-10-2024 Heard learned counsel for the petitioner, learned APP
for the State and perused the case diary.

2. The petitioner seeks bail in connection with Bettiah
Muffasil P.S. Case No. 302 of 2024 instituted for the offence
under Sections 399, 402 & 414 of the Indian Penal Code and
Sections 25(1-B)(a), 26 & 35 of the Arms Act.

3. Prosecution case in short is that on secret
information police party reached at the place of occurrence and
apprehended six accused persons. On search, there is recovery
of one loaded country made pistol from the possession of the
co-accused, namely, Himanshu Kumar, one country made pistol
and motorcycle from the possession of the co-accused, namely,
Sahebjaan, one bore magazine of pistol from the possession of



co-accused, namely, Bholi Mukhiya and one cartridge & motorcycle were recovered from co-accused, namely, Anand Kumar.

4. It has been submitted on behalf of the petitioner that the petitioner is in custody since 01.06.2024. Petitioner is stated to be 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. It is submitted that petitioner is neither part of any group of goons nor he knows anything about the co-accused persons. Nothing has been recovered from the possession of the petitioner. Petitioner has no concern with the motorcycle. There is no compliance of Section 100 of the Cr.P.C. It is lastly submitted that charge sheet has been submitted in this case. The co-accused person has already been granted bail by this Bench vide order dated 06.09.2024 passed in Cr. Misc. No. 62817 of 2024.

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 Bettiah Muffasil P.S. Case No. 302 of 2024.

(Rudra Prakash Mishra, J)

Alok Verma/-

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