

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61078 of 2024

Arising Out of PS. Case No.-321 Year-2024 Thana- MOTIHARI MUFASIL District- East
Champaran

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Chandan kumar Son of Mantu Rai Resident of Village - Turkauliya, P.S. -
Turkauliya, District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Abhishek Kumar, Adv.

Mr. Hemant Ray, Adv.

For the Opposite Party/s : Mr.Mritunjay Kumar Nirala, APP

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 09-09-2024 Heard learned counsel for the petitioner and learned A.P.P
for the State.

2. The petitioner has preferred this application for grant of
regular bail in connection with Muffasil P.S. Case No. 321 of 2024
dated 07.07.2024 registered for the offences punishable u/ss
25(1-b)a, 26, 35, 25(9) of the Arms Act.

3. As per the prosecution case, one loaded country made
pistol and a mobile phone were recovered from the possession of the
co-accused, Suraj Kumar. One smart mobile phone was recovered
from the possession of the petitioner. The motorcycle was also
recovered from the place of occurrence.

4. Learned counsel for the petitioner has submitted that
the petitioner is innocent and has falsely been implicated in this case.
The petitioner is not the owner of the said motorcycle. Learned



counsel has further submitted that the petitioner is the pillion rider. The petitioner had to purchase medicine for his father and for that he has taken lift from the co-accused, Suraj Kumar and thereafter, he was apprehended by police. The petitioner had no knowledge about the arms carried by the co-accused, Suraj Kumar. Only one mobile phone has been recovered from the possession of the petitioner which is common article. It is further submitted that the petitioner has no concern with the alleged recovery. The petitioner has one criminal antecedent in which he is on bail as stated in para 3 of the bail petition. The petitioner is in custody since 08.07.2024.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, East Champaran at Motihari in connection with Muffasil P.S. Case No. 321 of 2024..

7. The application stands allowed.

(Chandra Prakash Singh, J)

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