

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62151 of 2024

Arising Out of PS. Case No.-195 Year-2023 Thana- PAKRIDAYAL District- East Champaran

Rajan Kumar, aged about 24 years, Male, Son of Shambhu Kushwaha @
Shambhu Prasad, Resident of Intwa Siraha, P.S.- Pakaridayal, District- East
Champaran.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Md. Mushtaque Alam, APP

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

2 18-10-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Pakaridayal P.S. Case No. 195 of 2023 instituted for the
offences punishable under Sections 25(1-b)a, 26 and 35 of the
Arms Act.

3. As per the prosecution case, one country made
pistol along with live cartridges and a motorcycle has been
recovered from the accused person.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence and has
falsely been implicated in this case. He further submits that



petitioner was not arrested at the spot and nothing incriminating article has been recovered from his conscious possession of the petitioner. He next submits that the name of the petitioner has been surfaced only on the basis of confessional statement of co-accused person namely Keshav Kumar. Petitioner is in custody since 20.05.2024,

5. Learned APP opposes the prayer for bail.

6. From perusal of the FIR and impugned order of the learned Additional Sessions Judge, East Champaran at Motihari dated 19.07.2024, it appears that on the basis of written report of the informant FIR was registered against three accused persons including the present petitioner and the name of the petitioner surfaced only on the basis of confessional statement of co-accused Keshav Kumar, who was arrested at spot and from his possession one country made pistol and live cartridges were recovered. So considering all the aspects of the matter and no recovery from the conscious possession of the petitioner, I am inclined to grant bail to the petitioner. Accordingly the prayer for bail of the petitioner is allowed. Let the petitioner above named 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 the learned Additional Chief Judicial



Magistrate-8th, East Champaran, Motihari in connection with
Pakaridayal P.S. Case No. 195 of 2023.

(Ramesh Chand Malviya, J)

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