

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67442 of 2024

Arising Out of PS. Case No.-124 Year-2024 Thana- KESARIA District- East Champaran

Lal Mohan Kumar, aged about 19 years (M), son of Kishundeo Mahato @ Kishundev Mahato, Resident of village - Kesariya Dih, P.S.- Kesariya, Dist- East Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Abhishek Kumar, Advocate
For the Opposite Party : Mr. Surendra Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 26-09-2024 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner seeks bail in connection with Kesariya P.S. Case No. 124 of 2024 dated 23.04.2024 registered for the offences punishable under Sections 399, 402, 413, 414 of the I.P.C. and Sections 25(1B)a, 26 and 35 of the Arms Act.

3. As per the prosecution case, the petitioner and the co-accused persons were apprehended when they were gathered for making preparation to commit crime. On search, a motorcycle and a mobile phone were recovered from the possession of the co-accused Guddu Malli. Further, a mobile was recovered from the possession of co-accused Ajay Kumar,



two mobile phones and a motorcycle without number plate were recovered from the possession of the co-accused Laxman Kumar, a pistol and two live cartridges were recovered from the possession of the co-accused Akhilesh Kumar and a mobile phone and one motorcycle without number plate were recovered from the possession of the petitioner.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. It is submitted that nothing incriminating article has been recovered from the possession of the petitioner. There is no statutory compliance of Section 100(6) of the Cr.P.C. It is further submitted that the other co-accused persons, namely, Ajay Kumar @ Ajay Malli and Guddu Malli have already been granted bail by a Bench of this Court vide Cr. Misc. No. 47866 of 2024 under order dated 30.07.2024 and Cr. Misc. No. 50516 of 2024 under order dated 05.08.2024, annexed as Annexures-2 and 2/1 to the present bail application. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail petition. He is in custody in this case since 23.04.2024.

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 C.J.M., Motihari, East Champaran in connection with Kesariya P.S. Case No. 124 of 2024.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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