

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82863 of 2024

Arising Out of PS. Case No.-28 Year-2024 Thana- KUSHESHWARASTHAN District-
Darbhanga

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Md. Arsi @ Md. Aarshi Md. Shamim @ Md. Shameem Resident of Village -
Afzala Tole Kheva, Jaliya Road, Police Station- Biraul, District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nilendu Kumar Choudhary, Advocate
For the Opposite Party/s : Mr. Ram Bilash Roy Raman, APP

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

ORAL ORDER

2 03-12-2024 Heard learned counsel for the petitioner and

learned APP for the State.

2. The petitioner seeks bail in Kusheshwar Asthan P.S.

Case No. 28 of 2024, instituted for the offences punishable
under Sections 399, 402 of the Indian Penal Code and Section
25(1-B)(a), 26 and 35 of the Arms Act.

3. The prosecution case, in short, is that, while the
petitioner along with other co-accused persons were planning to
commit some crime, police raided the place and apprehended
the accused persons. On search, a country made pistol was
recovered from the 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. Charge-sheet has been submitted in this 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 22.02.2024 and has got six criminal antecedents out of which he is on bail in four cases. Learned counsel for the petitioner further submits that similarly situated co-accused has been granted regular bail by this Court vide order dated 24.07.2024 passed in Cr. Misc. No. 48394 of 2024 and order dated 06.09.2024 passed in Cr. Misc. No. 64245 of 2024.

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 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 Kusheshwar Asthan
P.S. Case No. 28 of 2024.

(Rudra Prakash Mishra, J)

Rajorshi/-

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