

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12434 of 2025

Arising Out of PS. Case No.-146 Year-2024 Thana- CHERIYA BARIYARPUR District-
Begusarai

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Deshu @ Deshu Kumar @ Amresh Kumar Son of Ram Kumar Yadav
Resident of Village - Kumbhi, Ward No. 12, P.S. - Cheriya Bariyarpur,
District - Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kumar Binode Bariar
For the Opposite Party/s : Mr. Dilip Kumar No. 1

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 07-03-2025 Heard Mr. Kumar Binode Bariar, learned counsel for the

petitioner and Mr. Dilip Kumar No. 1, learned A.P.P. for the

State.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 61, 309
(2) of the Bharatiya Nyaya Sanhita (B.N.S.) Act, 2023 and
Sections 25 (1-B) a, 26, 35 of the Arms Act.

3. The prosecution case, in brief, is that on 10.08.2024 at
about 01.30 a.m. when the informant along with other police
personnel were on patrolling duty, they saw six accused persons
including the petitioner were coming riding on four
motorcycles. When the police personnel tried to stop them, they
started fleeing away and got succeeded in the same, but one co-
accused was apprehended on the spot. From the possession of



the apprehended co-accused, two country made pistols and two live cartridges have been recovered. On the basis of the confessional statement of the apprehended co-accused, the police went to the clinic of co-accused Mukesh Sahni and apprehended him from there.

4. It is submitted by learned counsel for the petitioner that the petitioner is quite innocent and has committed no offence. No such occurrence as alleged has ever taken place. He has falsely been implicated in this case due to ulterior motive. The allegation levelled against the petitioner is totally false and based on concocted facts. Nothing has been recovered from the conscious physical possession of the petitioner and from his house. He has no concern either with the seized arms or the apprehended co-accused or any illegal trade. None of the seized vehicles belong to the petitioner. He was not apprehended on the spot. There is nothing on record to indicate the complicity of the petitioner barring the confessional statement of the apprehended person which has no evidentiary value in the eye of law. He submits that similarly situated co-accused has already been granted bail by this Court vide order dated 08.01.2025 passed in Cr. Misc. No. 87517 of 2024. Learned counsel further submits that petitioner has three



criminal antecedents as stated in para-3 of the bail application.

5. Learned APP for the State opposes the prayer for bail.

6. Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Cheriya Beriyarpur P.S. Case No. 146 of 2024, subject to the condition as laid down under Section 482 (2) of the B.N.S.S., 2023.

(Anjani Kumar Sharan, J)

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