

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18836 of 2025**

Arising Out of PS. Case No.-73 Year-2024 Thana- Pothia District- Katihar

Raushan Kumar S/O Anil Mandal R/O SIMARIYA RAMI, PS- POTHIA,
DISTT- KATIHAR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Singh, Advocate
For the Opposite Party/s : Mr. Mohammed Arif, APP

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

ORAL ORDER

2 03-04-2025 Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner seeks bail in connection with Pothia
P.S. Case No. 73 of 2024, instituted for the offences punishable
under Section 309 of the Bharatiya Nyaya Sanhita, 2023.

3. The prosecution case, in short, is that, three
unknown miscreants on the point of pistol looted motorcycle of
the informant and during search, one country made pistol and
one mobile phone has been 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 is not named in the FIR. Name of the petitioner has transpired in this case in course of investigation. No any recovery of looted articles have been made from the possession of the petitioner. It is further submitted that the petitioner has got no concern with the alleged recovery of arms. The petitioner is in custody since 22.08.2024 and has got one criminal antecedent. There is no compliance of Section 103 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

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 and taking into account the period of custody undergone by the petitioner, 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 Pothia P.S. Case No. 73 of 2024.

(Rudra Prakash Mishra, J)

Rajorshi/-

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