

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86619 of 2024

Arising Out of PS. Case No.-294 Year-2024 Thana- MURLIGANJ District- Madhepura

Ashutosh Anand @ Shivam Kumar Son Of Sanjeev Kumar Village- Bhalni,
Ward No 3, P.S.- Murliganj, District -Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nafisu Zzoha, Adv.

For the Opposite Party/s : Mr. Umeshanand Pandit, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

3 27-02-2025 Heard learned counsel for the petitioner and learned
APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with
Murliganj P.S. Case No. 294 of 2024 instituted for the offences
under Section 414/34 of the Indian Penal Code and Section
25(1-b)a, 26, 35 of the Arms act.

3. As per prosecution case, the police has recovered
one android mobile phone Vivo 1902, Realme Narzo 605G, I
Tel key paid mobile and one live cartridge as well as cash
amounting Rs. 2,500/- from the possession of the petitioner. The
police has also recovered one motorcycle bearing no registration
number. The police has also recovered one pistol and one live
cartridge and a mobile phone from the possession of the co-
accused Prem Sagar.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and he has been falsely implicated in the present case with false and frivolous allegations merely on the basis of suspicion. The petitioner has not committed any offence as alleged in the F.I.R. He further submits that as a matter of fact nothing incriminating has been recovered from the conscious possession of the petitioner rather the police, showing the alleged recovery of incriminating articles from his possession, dragged the petitioner in this case. Learned counsel for the petitioner submits that there is no direct or specific allegation of any overt act against the petitioner rather the same is general and omnibus in nature. There is non-compliance of Section 103 of the B.N.S.S. which creates a serious doubt in the prosecution case. The petitioner has three criminal antecedents and is languishing in judicial custody since 16.06.2024 without any rhymes or reason. Charge-sheet has been submitted in this case.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that the offence alleged against the petitioner is serious in nature. The petitioner has three criminal antecedents. The petitioner is named in the F.I.R. and, hence, he does not deserve bail. The I.O. after completion of investigation has submitted charge-sheet under Sections 414/34 of the Indian Penal Code



and Section 25(1-b)a, 26, 35 of the Arms act.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also the period of custody of the petitioner, let the petitioner, abovenamed, 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 Court below/concerned Court in connection with Murliganj P.S. Case No. 294 of 2024, subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family members of the petitioner.

(ii) The petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

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