

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.54925 of 2016**

Arising Out of PS.Case No. -29 Year- 2016 Thana -RIVILGANJ District- SARAN

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Uday Kumar, S/o Late Raghunath Prasad, R/o village-Ajayabganj, P.S.  
 Bhagwan Bazar, District-Saran.

.... .... Petitioner/s

Versus

The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Awadhesh Kumar Singh -Advocate

For the Opposite Party/s : Mr. Sri Manoj Kumar – 1-A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI**  
**ORAL ORDER**

02 21-12-2016

Heard learned counsel for the petitioner as well as

learned Additional Public Prosecutor.

It has been alleged by the informant, a police official, that after being informed with regard to apprehension of notorious criminal, he rushed to the spot and found one person under captive. So many persons were there. On query, one Bharat Sah had disclosed that while he was fishing, the aforesaid person, who is none else than the petitioner along with his two associates demanded fish and on being protested, threatened with dire consequence over which, the villagers assembled on his alarm and caught hold the petitioner while his associates managed to escape. It has also been disclosed that on search, a loaded firearm along with four cartridges, mobile set was recovered from his possession.

Learned counsel for the petitioner has submitted that



petitioner has fallen victim of highhandedness of the police otherwise Bharat Sah was the aggrieved person, who was expected to have launched a prosecution against the petitioner. Furthermore, it has also been submitted that it appears to be ridiculous that petitioner in spite of having loaded firearm and ammunition along with him will sit idle without at least showing the firearm in order to threaten the villagers, who had apprehended and will allow them to apprehend the petitioner. Not only this, it looks improbable that after apprehended by the villagers, the firearm would not have been searched by them. Moreover, petitioner happens to be under custody since 04.02.2016.

On the other hand, learned Additional Public Prosecutor opposed the prayer and submitted that one case is there since before apprehension of the petitioner.

In the aforesaid facts and circumstances of the case, petitioner, **Uday Kumar** is directed to be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-8<sup>th</sup>, Saran at Chapra in connection with Revelganj P. S. Case no.29 of 2016.

**(Aditya Kumar Trivedi, J)**

Vikash/-

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