

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25194 of 2016

Arising Out of PS.Case No. -225 Year- 2016 Thana -AHIAPUR District- MUZAFFARPUR

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Ayush Kumar son of Abhay Kumar Singh, resident of Village Katra P.S. Katra,
District Muzaffarpur

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

Date: 14-06-2016

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in Ahiyapur P.S. Case No. 225
of 2016 dated 23.03.2016 instituted under Sections 414 of the Indian
Penal Code and 25(1-B) (a)/26/35 of the Arms Act.

The petitioner is said to have been arrested on the spot in
possession of two blank and two live cartridges and a pulsar
motorcycle which was stolen.

Learned counsel for the petitioner submits that he is
innocent and was going to catch a train and in the chaos, he was



arrested by the police and falsely implicated. It is submitted that the seizure list discloses the number of the case and, thus, it is obvious that at the time the seizure was made, the F.I.R. was not made and when the F.I.R. has been subsequently registered, the number on the seizure list of the F.I.R. indicates that it has been filled up after the seizure list has been prepared and signature taken of the petitioner. It is further submitted that it has also been written on the seizure list that copy was received by the petitioner but the same is denied. Learned counsel further submits that the petitioner has clean antecedent and is in custody since 24.03.2016.

Learned A.P.P. opposes the prayer for bail and submits that the petitioner was caught with the stolen motorcycle along with two live and two blank cartridges and thus cannot deny his complicity of just being an innocent passerby. It is further submitted that no cogent reason has been assigned for any false implication of the petitioner and further that the plea with regard to there being manipulation in the seizure list is also misconceived as the relevant columns relating to recovery were filled at the time when the petitioner had signed and at least this would be the presumption in law. It is further submitted that the signature of the petitioner is at the side of seizure list which clearly indicates that the columns were filled, otherwise the same would not have been in the left margin of

the seizure list which *prima facie* shows that the right hand column which relates to the recovery was already filled up and written prior to obtaining the signature of the petitioner on the said seizure list.

Considering the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to enlarge the petitioner on bail.

Accordingly, the application stands dismissed.

However, the court below shall expedite the trial and conclude the same within six months.

(Ahsanuddin Amanullah, J)

Anjani/-

AFR/NAFR	N/A
CAV DATE	N/A
Uploading Date	14.06.2016
Transmission Date	14.06.2016