

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.24776 of 2016

Arising out of PS.Case No. -258 Year- 2016 Thana -KHAGARIA District- KHAGARIA

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Surat Ram, Son of Late Bhola Hazari, resident of Village- Jaitapur, Police Station Palonwa; District East Champaran.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Dilip Kumar Tondon, Advocate.

For the Opposite Party : Mr. Rajendra Singh Shastrijee (App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

08-08-2016

Heard learned counsel for the petitioner and learned

counsel for the State.

The petitioner is languishing in custody since 23.04.2016 in connection with Khagaria P.S. Case No. 258 of 2016 for the offences instituted under Section 409 of the IPC.

The prosecution story, in brief, is that the petitioner being S.I. of Police, superannuated on 31.10.2014 but had not deposited the allotted Government pistol and cartridges in the arsenal. It is further alleged that on 05.04.2016, the petitioner filed a petition with regard to missing of the said pistol and cartridges and the said matter was enquired into by the Additional Superintendent of Police, Khagaria, who did not find any substance in the same and thereafter the instant F.I.R. has been lodged against him.

It has been submitted on behalf of the petitioner that the

petitioner is in custody since 23.04.2016 and the charge sheet has been submitted in the present case. There is no allegation of tampering of the witnesses alleged against the petitioner. He has got no criminal antecedent. The petitioner was a Sub Inspector in State Police Service. While he was going for handing over the charge his service pistol alongwith 10 cartridges are said to have been lost. There is no allegation that the petitioner intentionally lost his service pistol alongwith cartridges.

On behalf of the State it has been submitted that the petitioner is named in the F.I.R. and he retired from the service on 31.10.2014. He had kept his service pistol alongwith cartridges for 1 ½ years after his retirement. He has no explanation to make for what reason he had kept his service pistol for such a long period after his retirement. The ground taken by the learned counsel for the petitioner that the petitioner has lost his arms is a flimsy ground.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioner at this stage. The same is rejected in Khagaria P.S. Case No. 258/2016, pending in the court of the learned C.J.M., Khagaria.

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(Sudhir Singh, J)