

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29424 of 2016

Arising Out of PS.Case No. -18 Year- 2016 Thana -JADIA District- SUPAUL

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Bitu Kumar @ Saurabh Kumar @ Suman Saurabh, Son of Kabir Yadav,
resident of Village- Belachand, P.S.- Banmankhi, District- Purnia.

.... Petitioner/s

VERSUS

THE STATE OF BIHAR

.... OPPOSITE PARTY/S

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Appearance:

For the Petitioner/s : Mr. Arun, Adv.

For the Opposite Party/s : Mr. Sri Yogendra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

2 27-07-2016

Heard learned counsel for the petitioner as well as

learned Additional Public Prosecutor.

Unknown criminals on the pretext of firearm committed road robbery whereunder motorcycle of informant was snatched away. Fortunately, police arrived and then, thereafter, miscreants were chased and during course thereof, after covering some distance petitioner was apprehended along with looted motorcycle. On personal search, loaded pistol, mobile set were also recovered from his possession and for that, separate case seizure list was instituted. Petitioner also confessed disclosing names of his accomplice.

It has been submitted on behalf of petitioner that from the seizure list of present case, it is not visible that seizure has been made from the possession of the petitioner rather column-2 thereof discloses that seizure has been made from a road near the house of Kudus Mian. Furthermore, it has also been submitted that from the seizure list it is not clear that

arms was recovered from his possession. In likewise manner, referring Annexure-2 FIR of Jadia P.S. Case No.17 of 2016, it has been submitted that from the seizure list recovery of motorcycle from the possession of petitioner is not found mentioned and so, the version of the prosecution regarding recovery of motorcycle from the possession of the petitioner became doubtful.

The learned Additional Public Prosecutor opposed the prayer.

For the purpose of recovery of arms separate case was instituted. Fardbeyan thereof has been registered on the basis of self-statement of police wherein there happens to be specific disclosure with regard to the recovery of firearms including motorcycle. Because of the fact that Jadia P.S. Case No. 17 of 2016 relates with recovery of arms therefore recovery of motorcycle was not at all relevant for the aforesaid purpose and in likewise manner, happens to be the status of Jadia P.S. Case No.18 of 2016 the present one. Petitioner has got criminal antecedent as per para-3 of the petition.

Accordingly, prayer for bail is rejected.

However, if so advised petitioner may renew his prayer for bail after examination of the informant.

(Aditya Kumar Trivedi, J.)

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