

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18276 of 2016

Arising Out of PS.Case No. -424 Year- 2012 Thana -KADAMKUAN District- PATNA

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1. Tinku Upadhyay @ Kumar Gaurav, Son of Mahendra Sharan Upadhyay,
resident of Sadisopur, Police Station- Bihta, District- Patna..... Petitioner/s
Versus

1. The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Madhuri Lata

For the Opposite Party/s : Mr. Subash Chandra Mishra (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 28-04-2016

Heard learned counsels for the petitioner and the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Section 414/34 of the Indian Penal Code and under sections 25(1-B)A, 26 and 35 of the Arms Act.

The prosecution case is that on 27.12.2012 in course of morning patrolling the informant, being a police officer, got secret information about presence of some miscreants near Premchand Golambar. The informant reached the spot and found 4-5 boys trying to escape from the scene but three of them, namely, Kundan Kumar, Arvind Kumar and Ashish Kumar were apprehended. From the possession of Kundan Kumar one loaded country made pistol with 3.15 bore cartridges and from the possession of Arvind Kumar one blue colour plastic bag with five bundles of wire were recovered. Subsequently, Ashish Kumar named the petitioner as

the person to whom he sold a old bicycle which was subsequently recovered.

It is submitted by the learned counsel for the petitioner that petitioner was neither named in the FIR not be was arrested from the spot hence no offence under section 414 of the IPC or under section 25(10B)A, 26 and 35 of Arms Act is made out. Statement has been in paragraph 3 of the petition that the petitioner has no criminal antecedent.

The aforesaid facts constitute grounds for consideration of the prayer for regular bail of the petitioner by the learned court below in case the petitioners surrenders within six weeks from today in connection with Kadamkuan P.S. case No. 424 of 2012 pending in the court of learned JM, 1st class, Patna. The learned court below shall dispose of the bail petition of petitioner, preferably, on the same day.

This application is disposed of with the aforesaid observation/direction.

(Dinesh Kumar Singh, J)

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