

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.66268 of 2018

Arising Out of PS.Case No. -518 Year- 2018 Thana -SONEPUR District- SARAN

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Dharmendra Kumar Singh @ Dharmendra Kumar, Son of Mahesh Kumar
@ Mahesh Kumar Singh, resident of Village- Barbatta, P.S. Sonapur,
District- Saran at Chapra.

.... Petitioner.

Versus

The State of Bihar.

.... Opposite Party.

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Appearance :

For the Petitioner/s : Mr. Jeetendra Narayan

For the Opposite Party/s : Mr. Shailendra Kumar -1

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**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

02 31-10-2018 Heard learned counsel for the petitioner
and learned APP for the State.

The petitioner seeks bail in Sonapur P.S.
Case No.518 of 2018 registered under Section 399 and
402 of the Indian Penal Code, Section 37 (b) of the
Bihar Excise Act, 2016 and Section 25 (1-b)a, 26 & 35
of the Arms Act.

Petitioner is said to have congregated at
the place of occurrence to commit dacoity and the
petitioner and one other accused were apprehended in
inebriated condition. From possession of the petitioner,
one country made pistol and two live cartridges were
recovered.



It is submitted by learned counsel for the petitioner that no incriminating article has been recovered from the conscious physical possession of the petitioner. He has no concern with the seized article. He has been falsely implicated in the case at the instance of his enemies by planting the aforesaid recovery from his possession. He happens to be a student of B.A. Part-III. There is violation of Section 100 Cr.P.C. He has no criminal antecedent and has been languishing in custody since 02.06.2018. Earlier the bail petition of the petitioner was rejected vide order dated 13.08.2018 with a liberty to the petitioner to renew his prayer for bail after completion of four months in custody.

On the other hand, learned APP opposing the bail petition submitted that one country made pistol and two live cartridges were recovered from the possession of the petitioner, hence he does not deserve bail.

Considering the facts aforesaid, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to



the satisfaction of the learned Additional Sessions Judge
6th-cum-Speical Judge Excise, Saran at Chapra in
connection with Excise Trial No.4895 of 2018, arising
out of Sonapur P.S. Case No.518 of 2018.

(Prakash Chandra Jaiswal, J)

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