

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45373 of 2018

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

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Dharmendra Kumar Singh @ Dharmendra Kumar S/o Mahesh Kumar @ Mahesh Kumar Singh, R/o Vill.- Barbatta, P.S.- Sonapur, District- Saran at Chapra.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jeetendra Narayan

For the Opposite Party/s : Mr. Jagdhar Prasad

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL
ORAL ORDER

3 13-08-2018 Heard learned counsel for the petitioner and learned APP for the State.

Petitioner seeks bail in a case registered for the offence punishable under Sections 399 and 402 of the Indian Penal Code, Section 37(b) of the Bihar Prohibition and Excise Act, 2016 and Sections 25(1-b)a, 26 and 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 aforesaid recovery from his possession. He happens to be student of B.A. Part-III. There is violation of Section 100 Cr.P.C. He has no criminal antecedent. He has been languishing in custody since 02.06.2018.

On the other hand, learned APP vehemently 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.

In the facts and circumstances of the case, I am not inclined to enlarge the petitioner on bail for the present. Prayer for bail of the petitioner is rejected.

However, petitioner may renew his prayer for bail after completion of four months in custody.

(Prakash Chandra Jaiswal, J)

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