

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16186 of 2019

Arising Out of PS. Case No.-555 Year-2018 Thana- BARAUNI District- Begusarai

BIRENDRA SINGH Son of Munnilal @ Munilal Singh Resident of Village -
Panhans, P.S.- Begusarai Town (Lohiya Nagar O.P.) Dist.- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shubhesh Pandey
For the Opposite Party/s : Mr.Indra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 15-03-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since 21.11.2018 in a case registered for the offences punishable under Sections 25(1-B)a, 26 and 35 of the Arms Act.

The prosecution case is that the informant being, the police officer, received a secret information to the effect that 3-4 accused persons are standing near Malti Petrol Pump in suspicious condition, whereupon he along with police party reached there, but on seeing the police party, they started fleeing away from the scene, but on chase being made by the police, they were apprehended. The apprehended accused disclosed their names as Anurag Kumar, Gulshan Kumar and Birendra Singh, the petitioner. During frisking from the car, one country made pistol with two liver cartridges were



recovered.

It is submitted by learned counsel for the petitioner that admittedly the said recovery has been made from the Maruti car, hence, it cannot be treated from the conscious physical possession of the petitioner and the investigation has already been concluded. It is further submitted that similarly situated co-accused Gulshan Kumar @ Gulashan Kumar has been granted bail by a Co-ordinate Bench of this Court, vide order dated 07.02.2019, passed in Criminal Miscellaneous No. 6393 of 2019. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP for the State submits that the recovery has been made from the car in which the petitioner was found travelling along with two other co-accused persons.

Considering the fact that similarly situated co-accused has been granted bail by a Co-ordinate Bench of this Court coupled with statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on bail, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned



CJM, Begusarai in connection with Barauni (Zero Mile) P.S.
Case No. 555 of 2018.

(Dinesh Kumar Singh, J)

Ashwini/-

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