

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13910 of 2019

Arising Out of PS. Case No.-540 Year-2018 Thana- BARAUNI District- Begusarai

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BHAVESH KUMAR Son of Ghutar Prasad Singh @ Ghutar Singh, Resident
of Village - Ramdiri Tola Mahaji, Dukhutti, P.S.- Matihani, Distt - Begusarai.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sada Nand Roy

For the Opposite Party/s : Mr.Anand Kishore Choudhary

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 06-03-2019 Heard the learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks regular bail in connection with
Barauni (Zero Miles) P.S. Case No. 540 of 2018 for the offences
punishable under Section 188 of the Indian Penal Code, Section
25(1-b)a, 26, 35 of Arms Act and Section 37(c) of Bihar
Prohibition and Excise Act, 2016.

The police is said to have received information that
certain miscreants had shot one person, namely, Vijay Ram @
Mato after entering into his shop and when the police reached at
the place of occurrence, three miscreants were found to be
fleeing away, however, two of them were arrested and the
petitioner is said to be one of them. Upon search, one country
made pistol was recovered from the co-accused person, namely,



Rakesh Kumar @ Munna Singh, however, as far as the petitioner is concerned, two live cartridges were recovered.

The learned counsel for the petitioner submits that the present case has been lodged only under the Arms Act and as far as allegation of firing of gun shot on aforesaid Vijay Ram is concerned, another case has been lodged, hence the present case has to be examined in terms of the allegation levelled in the present case, however, as far as the petitioner is concerned, it is submitted that only two live cartridges were recovered and the petitioner has been falsely implicated in the present case. It is further submitted that the petitioner is languishing in custody since 17.11.2018.

Having regard to the facts and circumstances of the case, the petitioner, above named, is directed to be enlarged on regular bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II- cum Special Judge Excise, Begusarai in connection with Barauni (Zero Miles) P.S. Case No. 540 of 2018.

Tiwary/-

(Mohit Kumar Shah, J)

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