

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14378 of 2019

Arising Out of PS. Case No.-258 Year-2018 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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RUPESH KUMAR SINGH @ BITTU @ RUPESH KUMAR Son of
Ramadhar Kunwar Resident of Village - Ward No. 10, Kaithma, Badalpura,
P.S.- Muffasil, Distt - Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pritish Kumar Lal

For the Opposite Party/s : Mr.Nirmala Kumari

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 08-03-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since
03.07.2018 in a case registered for the offences punishable
under Sections 25(1-B)a, 26 of the Arms Act.

The prosecution case is that the informant being, the
police officer, during vehicle check found one motorcycle born
person fleeing away from the scene on seeing the police, but
on chased being made by the police, he fell down from the
motorcycle and in that course, a country made pistol also fell
down from his waist. However, the accused person managed to
escape from the scene. Subsequently, the motorcycle and the
country made pistol were seized. The local people suggested



the name of the person who escaped from the scene as Rupesh Kumar, the petitioner.

It is submitted by learned counsel for the petitioner that neither the recovery has been made from the conscious physical possession of the petitioner nor the petitioner has any concern with the motorcycle in question. A statement has been made in paragraph no.3 of the petition that though the petitioner is accused in numerous cases, but in most of the cases, the petitioner has been named during investigation.

Learned APP for the State submits that the petitioner escaped from the scene on seeing the police leaving the motorcycle and in that course a country made pistol fell down from his waist. It is further submitted that the petitioner is having a serious criminal antecedent.

Considering the fact that the accusation does not suggest the recovery from the conscious physical possession of the petitioner and the investigation has already been concluded, 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 Judicial Magistrate, 1st Class, Begusarai, in connection with Muffasil P.S. Case No. 258 of 2018.



Since the petitioner is having serious criminal antecedent, learned court below will be at liberty to cancel the bail bonds of the petitioner, if he defaults for two consecutive occasions or gets involved in some serious nature of offence.

(Dinesh Kumar Singh, J)

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