

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14083 of 2019

Arising Out of P.S. Case No.-329 Year-2018 Thana- HARSIDHI District- East Champaran

ALOK TIWARI, aged about 22 years, Gender-Male, Son of Late Umesh Tiwari Resident of Village - Man Karariya (Hussepur), P.S. - Paharpur, District - East Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bijay Prakash Singh, Advocate

For the Opposite Party/s : Mr.Akbar Ali, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 08-03-2019 Heard the learned counsel for the petitioner and
learned counsel appearing on behalf of the State.

Petitioner is languishing in judicial custody since 11.08.2018 in connection with Trial No.2228 of 2018 arising out of Harsidhi P.S.Case No.329 of 2018 for the offence alleged under Sections 25(1-b)a, 26 and 35 of the Arms Act.

The prosecution case as lodged by the police personnel is that on information that in the house of co-accused Tuntun Singh, some miscreants have assembled planning to commit dacoity, the house of co-accused Tuntun Singh was raided and from the possession of the petitioner in a blue bag, one carbine and four cartridges were recovered. From the possession of another co-accused Prakash Singh, one country made loaded



pistol with one live cartridge were recovered along with a Scorpio and swift car. Accordingly, a seizure list was prepared.

It has been submitted by the learned counsel for the petitioner that he is innocent and has been falsely implicated in the aforesaid case. He submits that no overt-act has been committed, chargesheet has already been submitted and the petitioner is languishing in judicial custody since nearly seven months.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner does not bear a clean antecedent and is dreaded criminal as many as five cases are pending against him some under the same offence and some under more serious offence.

Considering the nature of allegations and the antecedent of the petitioner, I am not inclined to grant the privilege of bail to the petitioner. Accordingly, the prayer for bail of the petitioner is rejected. However, the petitioner is at liberty to renew his prayer for bail after framing of charge.

(Nilu Agrawal, J)

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