

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19077 of 2019

Arising Out of PS. Case No.-53 Year-2018 Thana- PAWANA District- Bhojpur

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Binit Singh @ Vinit Singh, Son of Shri Ashok Singh @ Mahanth Singh,
Resident of Village- Pawar, P.S.- Pawna, District- Bhojpur- 802201.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Surendra Kishore Thakur

For the Opposite Party/s : Mr. Ashok Kumar

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 01-04-2019 Heard learned counsels for the parties.

The petitioner is languishing in custody since 07.09.2018 in a case registered for the offences punishable under Section 353 of the I.P.C. and Sections 25(1-B)a, 26, 29, 30 and 35 of the Arms Act.

The prosecution case as per the self statement of Ram Iqbal S.I.-cum-SHO, Pawna Police Station Bhojpur recorded on 07.09.2018 at 2.20 P.M., is to the effect that a secret information was received from the superior officials that the petitioner is involved in illegal business of arms, whereupon, raid was laid, on the house of the petitioner, on seeing the police party, the petitioner tried to flee away from the place of occurrence, but he was apprehended and from his possession, 10 live cartridges were recovered. Thereafter, search was made in the house of the



petitioner and from the house of the petitioner, one iron made rifle and two live cartridges were recovered. It is further alleged that the petitioner confessed that with the help of his father, co-accused Ashok Singh, he used to do illegal the business of arms. He further confessed that he sold a double barrel gun to one of his co-villager namely, Sunil Singh, whereupon, a raid was laid on the house of co-accused Sunil Singh, and one double barrel gun and six live cartridges were recovered.

It is submitted by learned counsel for the petitioner that though the said recovery has been made from house of the petitioner and his father, Ashok Singh has also been accused in the present case, but he has been granted bail by Co-ordinate Bench of this Court, vide order dated 22.01.2019 passed in Cr. Misc. No.2852 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 submits that recovery has been made from the conscious physical possession of the petitioner and he is named in the FIR.

Considering the fact that investigation has already been concluded and similarly situated co-accused Ashok Singh, father of the petitioner, has been granted bail by Co-ordinate



Bench of this Court, coupled with the statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the petitioner above named 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 the learned **JM-1st Class, Bhojpur at Ara** in connection with **Pawna P.S. Case No.53 of 2018.**

(Dinesh Kumar Singh, J)

Deepak/Rahul/-

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