

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14988 of 2019

Arising Out of PS. Case No.-326 Year-2018 Thana- CHAKIA District- East Champaran

Asmuni Singh, Son of Chandrika Singh, Resident of Village-Ahirauidan,
P.S.-Tarya Sujan, District-Kushinagar (U.P.)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jai Shanker Prasad

For the Opposite Party/s : Mr. Arun Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 13-03-2019 Heard leaned counsel for the petitioner and
learned APP for the State.

The petitioner is languishing in custody since 09.12.2018 in a case registered for the offences punishable under Sections 399, 402 and 414 of the Indian Penal Code and Sections 25(1-B)a, 26 and 35 of the Arms Act.

The prosecution case as per the self statement Inspector-cum-S.H.O., Chakia Police Station recorded on 08.12.2018 at 5.45 P.M., is to the effect that on the same day, a secret information was received that one notorious road robber, namely, Guddu Singh along with his gang is going towards Motihari by amotorcycle and a Tractor, whereupon, a raid was laid and consequently, 8 persons were apprehended travelling on a tractor and motorcycle and the petitioner was driving the tractor.



It is further alleged that from the possession of co-accused Guddu Singh, one automatic pistol and two live cartridges were recovered and from the possession of co-accused Ravishankar Tiwary and Ashnarayan Singh, one country made pistol and five live cartridges were recovered. It is further alleged that the said tractor was stolen by co-accused Guddu Singh, Uday Rai, Santosh Kushwaha and Roushan Kumar. However, the seizure list suggests that the recovery of two cartridges have been made from the possession of the petitioner and the recovery of a country made pistol has been made from possession of the co-accused Ashnarayan Singh.

It is submitted by learned counsel for the petitioner that the petitioner was bonafide driving the alleged vehicle in question on the direction of co-accused and investigation has already been concluded. 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 petitioner is named in the FIR.

Considering the nature of recovery from the petitioner and investigation already being concluded, 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 **ACJM-13th, East Champaran** in connection with **Chakia P.S. Case No.326 of 2018.**

(Dinesh Kumar Singh, J)

Deepak/Rahul/-

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