

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76943 of 2018

Arising Out of PS. Case No.-222 Year-2018 Thana- BELHAR District- Banka

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1. Nitin Kumar @ Nitin Ranjan Singh son of Niraj Singh @ Guddu Singh @ Niraj Kumar Singh.
 2. Niraj Singh @ Guddu Singh @ Niraj Kumar Singh S/o Birendra Singh, Both are Residents of Village- Dhouri, Police Station- Belhar, District Banka and at Present Gayatri Mandir, Gayatri Nagar Road No. 4, P.S. Jamalpur, District- Munger.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar
For the Opposite Party/s : Mr.Surendra Kumar

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

5 25-06-2019 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Belhar P.S. Case No.222 of 2018 registered under Sections 414, 120(B) and 121(A)/34 of the Indian Penal Code besides Sections 4/5 of the Explosive Substance Act, pending in the court of the Additional Chief Judicial Magistrate-III, Banka.

The accusation is that the apprehended accused of Dumka P.S. Case No.190 of 2018 registered under Sections 414/120B)/34 of the Indian Penal Code and Sections 4/5 of the Explosive Substance Act disclosed that in Sahebganj area of



Belhar Police Station, Amonium Nitrate has been unloaded. Thereafter, the informant being the Officer Incharge of Belhar Police Station along with other police personnel moved to search the same from the police station after making Sanha Entry. In that course, he came to know that a person in the name of Niraj Singh alias Guddu Singh (petitioner no.2) in village-Dhouri has unloaded some material in his godown. Thereafter, the informant reached at village-Dhouri, started the search of Niraj Singh alias Guddu Singh (petitioner no.2) and, in that course, he came to know that the name of the father of Niraj Singh is Birendra Singh and he used to unload some material, kept in the plastic bags, in his godown and his son Nitin Kumar (petitioner no.1) and others are also involved. The godown is constructed by Birendra Singh and caretaker of the godown is Arun Singh. When the informant went at the godown, he found the godown lock from inside and outside and the caretaker Arun Singh was searched and was called from his house. When the key of the godown was demanded from Arun Singh, he did not give proper reply about the key of the godown. Thereafter, the informant along with other police personnel reached at the house of the petitioner no.2 and Birendra Singh, the father of the petitioner no.2 Niraj Singh, was present and on



making demand of key of the godown, he disclosed that the key of the godown is not in his possession. While the land on which the godown has been constructed in his name but the work of the godown is looked after by his son Niraj Singh (petitioner no.2). When the informant and police personnel reached at the godown with Birendra Singh, then he disclosed that the key is with Arun Singh but Arun Singh was not ready to open the lock of the godown. When information was given to B.D.O. and Circle Officer, Belhar, then they reached there and, in the meantime, S.P. Banka Abhiyan also reached there and on their direction to break the lock, Arun Singh opened the lock of the godown from where 340 bags, each containing 50 kilograms Amonium Nitrate, were recovered but no paper was produced by Arun Singh and Birendra Singh for keeping the same.

Learned counsel for the petitioners submits that, in fact, the land on which the godown was constructed is in the name of the Virendra Singh, the grandfather and father of the petitioners and the same was leased out to Arun Singh, one of the F.I.R. named accused, before one year since 01.12.2017 to 31.10.2018, which would appear from Annexure-2 to this application but with an ulterior motive, the petitioners have also been implicated in this case.



Having considered the facts and the circumstances of the case, the provisional anticipatory bail granted to the petitioners vide order dated 28.03.2019 passed by a Bench of this Court is, hereby, confirmed.

(Rajendra Kumar Mishra, J)

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