

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42963 of 2019**

Arising Out of PS. Case No.-394 Year-2018 Thana- JOKIHAT District-
Araria

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MD. NAEEM Son of Md. Aseem @ Md. Asim Uddin Resident of Village -
Raharia Gairky, P.S.- Jokihat, Dist.- Araria.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Kundan Kumar Singh, Advocate.

For the Opposite Party: Mr. Anuj Kumar Shrivastava, APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

4 20-11-2019

Heard learned counsel for the petitioner and learned

APP for the State.

2. The petitioner is in custody since 14.03.2019 in connection with Jokihat P.S. Case No. 394 of 2018 for the offences alleged under Sections 307, 34 of the Indian Penal Code and Sections 25(1-b) a, 26, 27, 35 of the Arms Act.

3. It is submitted that the petitioner has been falsely implicated and in any event the accusation under the Arms Act is not made out against the petitioner from whose possession only an air gun has been recovered. One loaded pistol was recovered from co-accused Masood who has been granted bail by this Court in Cr. Misc. No. 31470 of 2019

4. It appears that the petitioner along with co-accused Masood was apprehended in course of vehicle checking and three



miscreants escaped on Apache motorcycle after committing robbery at the CSP of Bank.

5. Considering that an amount of Rs. 36,500/- along with bank papers have also been recovered from the petitioner and considering the criminal antecedents of the petitioner who is accused in three prior cases involving dacoity, arms act and preparation for committing dacoity, this Court is not persuaded to take a similar view as in the case of co-accused Masood for grant of privilege of bail to the petitioner. The petition accordingly stands dismissed. The petitioner may renew his prayer for bail after framing of charge.

(Vikash Jain, J)

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