

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83714 of 2019

Arising Out of PS. Case No.-188 Year-2019 Thana- ITARHI District- Buxar

BANARSI SINGH Son of Kamla Singh Resident of Village- Bhikhampur,
P.S.- Itadhi, District- Buxar.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Surendra Kumar Singh, Advocate
For the Opposite Party/s : Mr.Ramchandra Sahni, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 20-12-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner in this case is seeking regular bail in connection with Itadhi P.S. Case No. 188 of 2019 registered for the offences punishable under Sections 25(1-b)a,26/35 of the Arms Act.

Learned counsel for the petitioner submits that while hearing the prayer of regular bail of this petitioner in connection with Itadhi P.S. Case No. 187 of 2019 registered under Sections 147, 148, 149, 302 of the Indian Penal Code and Section 27 of the Arms Act, upon noticing the facts and circumstances wherein it was found that there was no allegation of firing against this petitioner and then there were materials in support of contention of learned counsel for the petitioner that it is a case of false implication of the petitioner, this Court has



granted regular bail to the petitioner.

It is submitted that on the same day of the alleged occurrence when the petitioner was working in his field and was engaged in cultivation, the Police party came and caught hold of him and brutally assaulted him in the field which has been videographed by the villagers and those videos have been sent to the Senior Police Officers. The Station House Officer of the concerned Police Station was thereafter placed under suspension. Because of the beatings of the Police when the petitioner became unconscious and was bleeding, he was taken to the Community Health Center where the doctor has noticed the traumatic injuries, pain and swelling on the body of the petitioner and bleeding. In order to save themselves the Police lodged the present FIR separately under the provisions of the Arms Act and has shown that the petitioner has been arrested in course of raid from his house with the alleged arms.

Learned counsel for the State has opposed the prayer of regular bail of the petitioner.

Considering the facts and circumstances of the case wherein it appears on perusal of the records that the seizure list has been prepared showing the seizure of arms from the house of co-accused Shiv Dani Singh and not from the house of this



petitioner and there are strong materials in support of contention of the petitioner that the petitioner was arrested from the field where he was working, the petitioner being in custody since 19.07.2019, let the petitioner above named be released on bail in connection Itadhi P.S. Case No. 188 of 2019 on furnishing of bail bond of Rs. 15,000/- (fifteen thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Buxar, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under:

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any Police officer or tamper with the evidence.

(Rajeev Ranjan Prasad, J)

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