

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76820 of 2019

Arising Out of PS. Case No.-116 Year-2019 Thana- PHULWARIYA District- Gopalganj

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BHAVESH SINGH @ BHAVESH KUMAR SINGH @ BULLET S/o Sri
Ramchandra Singh Resident of Village- Koyaladeva, P.S.- Phulwariya,
District- Gopalganj, Bihar

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prabhakar Nath Rai

For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 11-12-2019 Heard the learned counsel for the petitioner and

the State.

The petitioner seeks bail in connection with

Phulwariya P. S. Case No. 116 of 2019 dated

24.06.2019 instituted for the offence under Sections

353, 307, 225 and 34 of the Indian Penal Code and

Sections 25(1-b)a and 35 of the Arms Act, 1959 as well

as Section 30(a) of the Bihar Prohibition and Excise Act,

2016.

According to the F.I.R., which has been lodged

by a Police Officer, it has been alleged that while the



police party started chasing two of the accused persons with tainted background, namely, Ajay Singh and Pankaj Singh, the vehicle in which they were sitting sped away. However, in the light of the torch, flashed by the police party, the petitioner was also seen sitting with the aforesaid accused persons in the vehicle.

It has been submitted on behalf of the petitioner that he is a person of clean antecedent and is in custody since 26.08.2019. The reason for his being named in the F.I.R. is that he runs a transport under the name of *Shivdani* and always lent his vehicles to the police party. On one occasion, when the demand of the local police of lending his vehicle was not met, he has been made accused in this case.

The very fact that the petitioner has clean antecedent belies the accusation in the F.I.R. that he was found sitting in the car along with the notorious criminals. The recovery stated to have been made from the vehicle so intercepted also does not belong to the



petitioner.

The registration number of the vehicle of the petitioner has been stated in the F.I.R. only to teach a lesson to the petitioner.

However, considering the period of custody of the petitioner, the nature of accusation against him and his being a person of clean antecedent, the petition is allowed.

The petitioner, above-named, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District Judge-II, Gopalganj cum Special Judge, Gopalganj in connection with Phulwariya P. S. Case No. 116 of 2019.

(Ashutosh Kumar, J)

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