

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.634 of 2020

Arising Out of PS. Case No.-401 Year-2019 Thana- BAKHTIARPUR District- Saharsa

Rajeev Kumar, aged about 24 years, Male, Son of Kamleshwari Das, Resident
of Village- Bagrauli, P.S.- Bakhtiyarpur, District- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar, Advocate

For the State : Mr.Humayou Ahmad Khan, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 29-05-2020 Heard the parties through the virtual court proceeding.

The petitioner seeks bail in connection with Bakhtiyarpur P.S. Case No. 401 of 2019 registered for the offence punishable under Section 414 of the Indian Penal Code and Sections 25(1-b), a 26, 35 of the Arms Act.

As per written report of informant Ajit Kumar Singh, ASI, Bakhtiyarpur P.S., the prosecution case, in brief, is that while he was on patrolling duty, he received an information from the officer in charge that some miscreants are wandering on motorcycle near Bagrouli Dhala then he proceeded along with police personnel and found that four persons on two motorcycles tried to flee away after seeing the police party who were caught, who disclosed their names as Nitish Kumar, Amit Kumar, Chankan Kumar Ray and Rajeev Kumar then search of their persons was made in the presence of independent witnesses. From possession of Nitish Kumar one loaded country made pistol was recovered and two cartridges were recovered from Dickey of motorcycle, upon which petitioner and Chandan



Kumar was riding.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated and has committed no offence. He further submits that the petitioner has no criminal antecedent. He further submits that there was no recovery of any cartridge or pistol from conscious possession of the petitioner. He further submits that the cartridges were recovered from Dickey of motorcycle which is not belonged to the petitioner and cartridges without pistol were not effective. He further submits that the petitioner is in jail custody since 25.10.2019. He further submits that the other co-accused has been granted bail in the present case passed in Cr. Misc. No.1683 of 2020 by this Co-ordinate Bench of this Court.

In the facts and circumstances of the case, let the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of C.J.M., Saharsa in connection with Bakhtiyarpur P.S. Case No. 401 of 2019.

(Anjani Kumar Sharan, J)

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