

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9859 of 2020

Arising Out of PS. Case No.-609 Year-2019 Thana- PATLIPUTRA District- Patna

NIKHIL SINGH @ BABLU Son of Sri jai Kishore Prasad Resident of
Village- Saidpur Kothiya, Near Sadakat Asharam, P.S.- Digha, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Birendra Kumar Singh

For the Opposite Party/s : Mr.Umeshanand Pandit

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 03-03-2020 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending arrest in a case registered
for the offences punishable under Section 438 of the Indian
Penal Code and 25(1-B)a, 26 of the Arms Act.

The prosecution case as per the written report of Nazir,
Amrendra Kumar Sinha, Civil Court, Patna is to the effect that
while getting the order of Execution Case No.16/14 executed,
he found a country made pistol loaded with three live cartridges
kept in the house of co-accused Prakash Kumar Singh.
Subsequently, it was claimed that the arms was recovered from
the room which was in occupation of the petitioner, hence, he



has been named in the present case.

It is submitted by learned counsel for the petitioner that the entire execution proceeding or the title suit do not suggest that the premises was in any way in occupation of the petitioner. In fact, in order to save the person from whose house, the said recovery is alleged to have been made, the petitioner has been roped in the present case. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

It is submitted by learned APP for the State the petitioner was suspected to be in occupation of the premises from where the seizure has been made.

Considering the fact that the seizure list suggest the recovery has been made from the house of co-accused, Prakash Kumar Singh coupled with statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM-XII, Patna, in connection with Patliputra P.S. Case



No.609 of 2019, subject to the conditions as laid down under
Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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