

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12946 of 2020

Arising Out of PS. Case No.-654 Year-2019 Thana- ARA NAGAR District- Bhojpur

CHUNNU KUMAR Son of Sri Ram Kewal Bin @ Ramkeval Mahato
Resident of Village- Ujiyar Tola, P.S.- Ara Town, District- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dharmesh Kumar Shrivastava

For the Opposite Party/s : Mr.Madhura Nand Jha

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 02-03-2020 Heard learned counsel for the parties.

This application for regular bail arises out of Ara Town P.S. Case No. 654 of 2019, disclosing offences punishable under Section 414 of the Indian Penal Code and Sections 25(1-B)A, 26,35 of the Arms Act.

Learned counsel appearing on behalf of the petitioner, referring to the First Information Report, has submitted that the petitioner and co-accused Kariman Mahto were apprehended by the police when they were moving in a motorcycle and a search was carried out. During the course of search, from the possession of co-accused Kariman Mahto, a loaded country made pistol was recovered. The said Kariman disclosed to the police that the motorcycle belonged to this petitioner. He



submits that the motorcycle does not belong to the petitioner and in any view of the matter, an offence under Section 414 of the Indian Penal Code cannot be said to be made out in the absence of ingredients constituting offence punishable under Section 379 of the Indian Penal Code.

Considering the facts and circumstances and the submission made on behalf of the petitioner as noted above, this application is allowed.

Let the petitioner above-named be released on bail on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bhojpur at Ara in Ara Town P.S. Case No. 654 of 2019 (G.R. No. 5737 of 2019).

(Chakradhari Sharan Singh, J)

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