

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20336 of 2020

Arising Out of PS. Case No.-265 Year-2019 Thana- SONBERSA District- Sitamarhi

Arvind Kumar aged about 19 yrs, son of Ramswarth Mahto, resident of village- Bariyarpur, P.S- Kanhauli, Dist- Sitamarhi

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar

For the Opposite Party/s : Mr.Rana Randhir Singh

**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA**

ORAL ORDER

3 07-09-2020 Heard learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State.

Petitioner is in jail custody since 27.11.2019 in connection with Sonbarsa P.S.Case No. 265 of 2019 registered under section 307 and other minor sections of the Indian Penal Code as well as 25(1-b)a, 26,35 of the Arms Act.

In prayer portion of the petition, it has been averred that petition belongs to Sitamarhi P.S.Case No. 553 of 2019 pending in the court of Additional Chief Judicial Magistrate-IV, Sitamarhi and the aforesaid defect was pointed out by the office. However, defect was removed and vide order dated 16.07.2020, this court directed that in prayer portion of the petition in place of Sitamarhi P.S.Case No. 553 of 2019, it be



read as Sonbarsa P.S. Case No. 265 of 2019.

It is alleged that petitioner and his associates made attempt to commit loot and in that course assaulted the informant's son. However, allegedly petitioner was caught just after the alleged occurrence and one country made pistol without any cartridge was recovered from his conscious possession.

Learned counsel of the petitioner submits that the victim has sustained simple injury and as a matter of fact, petitioner is a mechanic and he was caught by the villagers on mere suspicion.

Considering the aforesaid facts and circumstances as well as taking note of this fact that recovery of firearm has been made by the private person and petitioner does not have any criminal antecedent, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate-IV, Sitamarhi in connection with Sonbarsa P.S. Case No. 265 of 2019.

N.K/-

(Hemant Kumar Srivastava, J)

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