

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19960 of 2020**

Arising Out of PS. Case No.-128 Year-2019 Thana- BASANHI District- Saharsa

SUSHIL KUMAR Son of Arun Sharma Resident of Village - Mathahi, Police Station and District - Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arun

For the Opposite Party/s : Mr.Dashrath Mehta

(The proceedings of the Court are being conducted through Video Conferencing and the Advocates joined the proceedings through Video Conferencing from their residence.)

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

2 18-06-2020 Heard learned counsel for the parties.

The Petitioner seeks bail in **Basnahi P.S. Case No. 128 of 2019** registered for the offence punishable under Section 414 of the Indian Penal Code and 25(1-b)a, 26 and 35 of the Arms Act.

Allegation against the petitioner is of recovery of one Pistol, one Magzin with 7 live cartridges, 6 live cartridges and one APACHE Motorcycle.

It has been submitted on behalf of the petitioner that the seizure list was prepared at the place of occurrence, which is in complete violation of the provisions of search and seizure. Similarly, situated co-accused person has been granted bail by a



co-ordinate bench of this Court vide order dated 04.06.2020 in Criminal Miscellaneous No. 18764 of 2020. Chargesheet has been submitted in this case on 31.01.2020. Petitioner is in custody since 06.12.2019.

From perusal of para 3 of the petition, it appears that petitioner has criminal history and has been earlier also involved in similar nature of offence whereas co-accused Mukesh Kumar had no criminal antecedent and both arms and ammunitions were recovered from possession of petitioner, as such I am not inclined to enlarge him on bail.

Hence the prayer for bail of the petitioner is hereby rejected.

However, it is observed that petitioner would be at liberty to renew his prayer for bail after completing one year of jail custody.

(S. Kumar, J)

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