

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21862 of 2020

Arising Out of PS. Case No.-72 Year-2020 Thana- KUDHNI District- Muzaffarpur

Sudhanshu Kumar, son of Shiv Balak Rai @ Shiv Balak Roy, resident of village Chandrahiya, P.S. Kudhani (Turki O.P.), District Muzaffarpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok
For the Opposite Party/s: Mr. Lalan Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 27-08-2020 Heard Counsel for the petitioner and learned Additional Public Prosecutor appearing for the State, through video conferencing.

The petitioner seeks regular bail in connection with Kudhani Police Station Case No. 72 of 2020, registered for the offence punishable under Sections 25(1-b)a/26/35 of the Arms Act.

The allegation against the petitioner, as per the First Information Report, is that the informant-police officer received a call on his mobile from the Manager of a petrol pump that a splendor motorcycle, bearing registration no. BR 06BD/7495 arrived at the petrol pump with two unknown persons and on the point of pistol, they looted the sale proceeds from the cash



counter and the nozzle men and the accused persons also snatched mobile phone. It has further been alleged that both the accused persons fled towards Rampur Chowk and one Sanjiv Kumar tried to chase them, but one of the accused fired at him, causing fire arm injury to said Sanjiv Kumar on his right hand. It has also been alleged that the accused persons were caught by the villagers and when the police arrived and searched the accused persons, the police recovered the looted currency notes as well as one motorcycle from the possession of the co-accused and from the possession of the petitioner, one loaded country-made pistol along with three live cartridges were recovered.

Learned Counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and for one occurrence, two cases have been lodged; one under the provisions of the Arms Act i.e. the present case and another is Kudhani Police Station Case No. 73 of 2020, under Section 394 of the Indian Penal Code and Section 27 of the Arms Act. He further submits that the petitioner was only a passers-by and was apprehended by the police with oblique motive. He also submits that the petitioner will face the consequence in another case lodged against the petitioner for the same occurrence.

After having heard learned Counsel for the parties and



taking into consideration the fact that the petitioner has been apprehended along with his accomplice, having loaded country-made pistol and cartridges in his possession and from the possession of his accomplice, the motorcycle used in the alleged crime has also been recovered, I am not inclined to grant regular bail to the petitioner.

This application is, accordingly, dismissed.

However, if the trial does not record any progress within a period of six months from today, the petitioner may renew his prayer for bail.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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