

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27065 of 2020

Arising Out of PS. Case No.-12 Year-2020 Thana- AMAS District- Gaya

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BIMLESH KUMAR, age 25, Son of Ramswarup Yadav @ Swarup Yadav,
Resident of Village - Gothahula, P.S.- Muffasil, District - Bhojpur.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

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Appearance :

For the Petitioner : Mr.Manoj Kumar, Advocate.

For the Opposite Party : Mr. Mukeshwar Dayal, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 19-10-2020 Due to COVID-19 Pandemic, the matter is being
taken up by way of virtual Court proceeding.

The matter has been listed under the heading ‘For
Orders’ under the orders of Hon’ble the Chief Justice.

Learned counsel for the petitioner is directed to
remove the defects, as pointed out by the office, within a period
of four weeks after restoration of normalcy.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in a case for the offence
registered under Sections 414/34 of the I.P.C. and 25(1-b)a, 26
and 35 of the Arms Act.

The prosecution story, in brief, is that on 07.01.2020
the informant apprehended Sonu Kumar @ Sonu Lal Mahto,



Baliram Dubey and Bimlesh Kumar (petitioner). One co-accused Golu Kumar fled away from the place of occurrence. On search, one loaded country made pistol etc., was recovered from possession of Sonu Kumar, one loaded country made pistol etc., was recovered from possession of Baliram Dubey and a Samsung Mobile set was recovered from possession of Bimlesh Kumar (petitioner). It is also alleged that one Truck loaded with Cement was recovered from the aforesaid accused persons. They do not have any document regarding the seized articles.

It has been submitted by learned counsel for the petitioner that the petitioner is in custody since 08.01.2020. The petitioner has got no criminal antecedent. Charge sheet has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. It is alleged that co-accused persons were apprehended with arms and a stolen Truck loaded with Cement. As far as the petitioner is concerned, no arms is said to have been recovered from possession of the petitioner. One Mobile Set is said to have been recovered from possession of the petitioner. The petitioner had no knowledge that the Truck loaded with Cement in question is a stolen property. There is no compliance of Section 100 of



Cr.P.C.

On behalf of the learned counsel for the State, it has been submitted that the petitioner is named in the F.I.R.

Considering the facts and circumstances of the case, the petitioner above named, is directed to 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 the learned A.C.J.M. Sherghati, in connection with Amas P.S. Case No. 12/2020.

(Sudhir Singh, J)

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