

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23585 of 2020

Arising Out of PS. Case No.-470 Year-2019 Thana- FALKA District- Katihar

MD. VASIK @ VASIK Son of Md. Iliyas Resident of Village - Alampur,
Fatehpur, P.S.- Kasba, Distt.- Purnea

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Singh
For the Opposite Party/s : Mr. Choubey Jawahar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 17-09-2020 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State, through video
conferencing.

The petitioner seeks regular bail in connection with
Falka Police Station Case No. 470 of 2019, registered for the
offences punishable under Sections 413/414 of the Indian Penal
Code and Sections 25 (1-b)a/26 of the Arms Act.

The allegation against the petitioner, as per the First
Information Report, is that the police got a secret information on
20.12.2019 that some accused persons were going on a
motorcycle, proceeded towards the place of occurrence and
intercepted one motorcycle, along with two persons on it, out of
whom, one person succeeded in fleeing away and the police
apprehended the other person, who disclosed his name as Md.



Vasik (the petitioner) and also disclosed the name of his accomplice as Pinka Mandal. The police seized the motorcycle from the possession of the petitioner and recovered one country-made pistol, one live cartridge, one small Nokia mobile set, one iron rinch and one iron tool used in breaking the lock of the motorcycle.

Learned Counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and the motorcycle in question was being driven by the co-accused Pinka Mandal, who succeeded in fleeing away. He further submits that there was no eye-witness to the occurrence and the police, at the time of search and seizure, did not follow the procedure prescribed under Section 100 of the Code of Criminal Procedure, 1973.

Having heard learned Counsel for the parties and taking into consideration the materials on record and the fact that the petitioner has criminal antecedent and the police recovered the motorcycle, one country-made pistol etc. from his possession, I am not inclined to grant regular bail to the petitioner, at this stage.

This application is, accordingly, dismissed.

However, the petitioner may renew his prayer for bail



after six months from today, if the trial does not show any progress.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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