

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25632 of 2020

Arising Out of PS. Case No.-495 Year-2019 Thana- SITAMARHI District- Sitamarhi

Subham Sah @ Prince @ Totala @ Rahul , aged about – 20 Years, Gender – Male, Son of Ravi Shankar Sah, Resident of Village- Basaha, P.S.- Bajpatti, District- Sitamarhi

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimal Kumar

For the Opposite Party/s : Mrs. Asha Devi

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

6 07-12-2020 Heard Mr. Bimal Kumar, learned counsel for the petitioner and Mrs. Asha Devi , learned counsel for the state through video conferencing.

Petitioner seeks regular bail in connection with Sitamarhi P.S. Case No. 495 of 2019 registered under Section 414 / 34 of the I.P.C. and Section 25 (1-b) a / 26 / 35 of the Arms Act.

The allegation as per the First Information Report is that on 03.09.2019 at about 18.00 Hrs. when the informant and others were on patrolling duty got a secret information that this petitioner along with the co-accused / Sanjay Patel was standing along with a motorcycle at Banswariya Bazar Samittee, proceeded towards the place of occurrence and upon seeing the



Police party both the miscreants after leaving the motorcycle fled away and also dropped arms near the place of occurrence. The people assembled there informed the Police the name of the petitioner who threw the arm and the co-accused / Sanjay Patel and the Police recovered country made pistol with live cartridges and Apache motorcycle without registration no.

Learned counsel for the petitioner submits that petitioner has not committed any offence in the manner alleged and he has falsely been implicated in this case with oblique motive. Learned counsel further submits that the petitioner has been remanded in this case from Bajpatti P.S. Case No. 317 of 2019 on 14.10.2019. Learned counsel for the petitioner submits that petitioner was not arrested from the place of occurrence and nothing has been recovered from his conscious possession.

On the other hand, learned counsel for the State referring to the case diary submits that the petitioner is a habitual offender inasmuch as 11 cases are pending against him as such, he does not deserve the privilege of regular bail at this stage.

Having regard to the submissions made by the parties and taking into consideration the materials available on record and the fact that petitioner has got criminal antecedent, I am not



inclined to grant regular bail to the petitioner at this stage.

Accordingly, the same is rejected.

However, the petitioner may renew his prayer for regular bail after three months from today, if the trial does not show any progress.

(Anil Kumar Sinha, J)

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