

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28727 of 2020

Arising Out of PS. Case No.-61 Year-2020 Thana- MITHANPURA District- Muzaffarpur

Prakash Kumar, aged about 21 years, Male, S/o Laxmi Mahto, Resident of Mohalla- Brahampura Nunfar Jagran Chowk, P.S.- Brahampura, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar Pandey, Advocate
For the State : Smt. Madhuri Lata, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 15-12-2020 Heard the parties through the virtual court proceeding.

The petitioner seeks bail in connection with Mithanpura P.S. Case No. 61 of 2020 registered for the offence punishable under Section 414/34 of the Indian Penal Code and Sections 25(1-B)a/26/35 of the Arms Act.

Prosecution story in short as per the written information of Vijay Kumar Sinha is that on 05.03.2020 at 9:45 A.M., he along with other police officials proceeded on a police jeep in course of investigation and raid in connection with Mithanpura P.S. Case No.59 of 2020 dated 02.03.2020 and when they reached Mithanpura Chowk at 11 A.M., then he received a secret information that the accused of loot of Maa Tara Petrol Pump are again planning to commit an offence with



the said blue color Apache motorcycle and they are proceeding towards Mithanpura Chowk from Bela road. When the police officials reached Mithanpura Chowk near Rajendra Prasad masala factory, they saw that three persons on Apache motorcycle were coming from Bela side and when they were stopped, then all the three accused left the motorcycle and started to flee. They were chased and caught by the police persons and in the presence of two local witnesses, the three accused were searched upon after following the process of search and they told their name as Savan Kumar and from his left waist an iron made pistol was recovered and from his pocket two live cartridges and rupees fifty thousand was also recovered along with mobile phones. The second accused told his name as Prakash Kumar (petitioner) and from his possession an iron made loaded country made pistol was recovered which was loaded and from his pocket cash rupees fifty thousand and ninety three number of deposits slips of S.B.I., Industrial Branch, Bela out of which eighteen slips were the receipts of deposit slips and over which the stamp of Maa Tara fuels was made. Also, one Vivo screen touch mobile was recovered. The third accused told his name as Prakash Kumar and from the right pocket of his pant, one .303 bore cartridge was recovered.



From the dicky of the motorcycle bearing Registration No.BR-06 BJ-4185, the uniform used by Savan Kumar in loot of petrol pump and the jacket and Army color shoes were recovered. All the three persons could not show any documents of the seized articles.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. The police has recovered a country made looted pistol and Rs.50,000/- from his possession. Learned counsel for the petitioner further submits that the fact is that police personnel arrested the petitioner from his residence and took rupees fifty thousand by force from the possession of the father of the petitioner who had managed that money for reception party of his elder son namely Rahul. Marriage was performed on 2nd March, 2020. Learned counsel for the petitioner further submits that the petitioner is in jail custody since 06.03.2020.

Learned A.P.P. for the State opposed the bail petition.

In the facts and circumstances of the case, let the above named petitioner be enlarged on bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand) only with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, East, Muzaffarpur in



connection with Mithanpura P.S. Case No. 61 of 2020.

(Anjani Kumar Sharan, J)

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