

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33147 of 2020

Arising Out of PS. Case No.-113 Year-2020 Thana- MAHUA District- Vaishali

RAHUL KUMAR S/o Shivchandra Rai R/o Vill.-Mahua Bazidpur, P.S.-
Mahua, Distt.-Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Awadhesh Kumar Singh

For the Opposite Party/s : Mr.Amitesh Kumar

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 17-12-2020 Heard learned counsel for the parties.

This application for regular bail arises out of Mahua P.S. Case No. 113 of 2020, disclosing the offence punishable under Sections 413, 414 of the Indian Penal Code and Sections 25(1-b) A, 26 of the Arms Act.

Allegedly, the petitioner was apprehended by the police in course of normal checking, when he was riding a motorcycle and was found carrying a loaded country-made pistol. The petitioner had attempted to flee away but was apprehended by the police. The petitioner has criminal antecedent, inasmuch as, he is accused in two more cases as mentioned in paragraph- 3 of the application.

Learned counsel appearing on behalf of the petitioner has submitted that the motorcycle, which was seized, was registered in the name of his brother, who was the pillion rider



when the petitioner was apprehended. His brother was carrying a pistol and on seeing the police he had thrown his pistol near the road side, which was recovered by the police.

It appears from the statement made in paragraph- 6 of the application that the petitioner has admitted recovery of the fire-arm by the police. He is, however, throwing the blame on his brother in whose name the motorcycle was registered. It is specific case of the prosecution, on the other hand, that the recovery of the fire-arm was made from the petitioner's possession.

Considering the aforesaid circumstance, I am not inclined to grant the petitioner privilege of regular bail for the present.

This application is accordingly rejected.

If there is no substantial progress in the trial, the petitioner is at liberty to renew his prayer for bail after three months.

It is directed that defects in the application pointed out by the Registry must be removed within two months from today.

(Chakradhari Sharan Singh, J)

Rajesh/-

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