

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31533 of 2020

Arising Out of PS. Case No.-64 Year-2020 Thana- BAKHTIYARPUR District- Patna

AKASH KUMAR Son of Madan Singh Yadav @ Madan Yadav Resident of
Village - Alipur, P.S. - Salimpur, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Prasad

For the Opposite Party/s : Mr.Kalyan Shankar

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 02-12-2020 Heard learned counsel for the parties.

This application for regular bail arises out of Bakhtiyarpur P.S. Case No. 64 of 2020, disclosing the offence punishable under Sections 399, 402 of the Indian Penal Code and Sections 25(1-b)a/26/35 of the Arms Act.

The petitioner was apprehended with others by the police who were seated in a *scorpio* vehicle, on the basis of secret information received by the police that they were planning to commit *dacoity*. On search, from the petitioner's possession, a country-made loaded pistol was recovered.

Learned counsel appearing on behalf of the petitioner has argued that the petitioner has been falsely implicated and, in fact, there has been no recovery from his possession. The



petitioner is in custody since 25.02.2020.

Paragraph 3 of the application discloses the petitioner's antecedent, from which it appears that the petitioner is accused in following cases :-

“Bakhtiyarpur P.S. Case No. 135/18, u/s 395,412 of the IPC, Bakhtiyarpur P.S. Case No. 136/18, u/s 399, 402 of the IPC and 20,21,22 of NDPS Act, Dhanarua P.S. Case No. 450/19, u/s 395 of IPC, Sahebpur Kamal P.S. Case No. 226/18, u/s 414 of IPC and Gopalpur P.S. Case No. 127/19, u/s 302, 364/34 of IPC.”

Considering the petitioner's antecedent and the nature of allegation in the FIR, I do not consider it to be a fit case for grant of regular bail for the present.

This application is accordingly rejected.

If there is no substantial progress at the trial, the petitioner shall be at liberty to renew his prayer for bail after six 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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