

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 82749 of 2019

Arising Out of PS Case No.-438 Year-2018 Thana- SARAIYA District- Muzaffarpur

Sanjay Kumar, aged about 44 years, Male, Son of Late Bishwanath Bhagat @
Late Vishwanath Bhagat, Resident of Village - Bisarpatti, P.S.- Saraiya,
District – Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 07-01-2020

Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Saraiya
PS case No. 438 of 2018 dated 24.09.2018 instituted under
Sections 25(1-B)(a) and 26 of the Arms Act, 1959.

3. The allegation against the petitioner is that he was
involved in Saraiya PS Case No. 436 of 2018 dated 24.09.2018
instituted under Sections 302 and 120B/34 of the Indian Penal
Code and 27 of the Arms Act. On the basis of his confessional
statement made in the said case, the firearm, which is said to have
been used in the crime was recovered from the place indicated by
the petitioner.



4. Learned counsel for the petitioner submitted that the allegation is recovery of firearm on the basis of the information provided by the petitioner. It was submitted that no recovery has been made from his conscious possession. It was further submitted that the petitioner is in custody in the present case since 25.09.2018.

5. Learned APP submitted that the petitioner is alleged to have fired on the deceased of Saraiya PS Case No. 436 of 2018 and on the basis of information disclosed by him, the police have recovered one of the weapons i.e., firearm used by the petitioner for committing the murder. It was, thus, submitted that the petitioner is clearly the culprit and has committed the crime.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to enlarge the petitioner on bail.

7. Accordingly, the application stands dismissed.

(Ahsanuddin Amanullah, J.)

P. Kumar

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