

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.12834 of 2021**

Arising Out of PS. Case No.-198 Year-2020 Thana- SALIMPUR District- Patna

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NAGENDRA SINGH @ NAGINA @ NAGIN SINGH SON OF BALMIKI
SINGH R/o village- Manjhauli, P.S.- Salimpur, District- Patna

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s	:	Mr.Rajendra Narain,Sr.Advocate
		Mr.Anju Kumari @ Anju Narain,Advocate
For the Opposite Party/s :		Mr.Binod Kumar No. 2,APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 15-06-2021 Heard Mr. Rajendra Narain, learned Senior Advocate
and Mr. Binod Kumar No. 2, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Salimpur P.S. Case No. 198 of 2020 registered for the offences punishable under Sections 25(1-b)a/26/35/27 of the Arms Act.

As per the prosecution story the police party got an information that this petitioner and his accomplice were resorting to firing in village Manjhauli near 4-lane at NH-30. After informing the senior officials, the informant accompanied with the police personnel of the police station reached there. It is alleged that on seeing the police team, the two miscreants started fleeing away but they were chased and arrested. One of them, the petitioner, was found having a carbine like weapon



and from his waist 16 cartridges in a Bindoliya (packet) were recovered. From another accused who disclosed his name as Dashrath Yadav, four cartridges were recovered.

Learned Senior Counsel for the petitioner submits that the prosecution story is concocted against the petitioner as there is no independent seizure list witness to support the prosecution story. It is further submitted that there is a land dispute with some villagers and in order to take revenge the petitioner has been falsely implicated in this case.

On the other hand, learned APP for the State has opposed the prayer for bail of the petitioner. It is submitted that from paragraph '3' of the petition, it would appear that the petitioner has got two cases under the various provisions of the Arms Act and yet another case is there under Section 302 IPC. He has, thus, criminal antecedent and the fact that as per the allegations 16 live cartridges and a carbine like weapon has been recovered from his possession, he does not deserve privilege of bail at this stage.

Having regard to the facts and circumstances of the case considering the kind of allegations in which carbine like weapon and 16 live cartridges have been found active in the arms examination report as mentioned in the impugned order,



this Court is not inclined to release the petitioner at this stage.

Let the trial be expedited.

The learned trial court is expected to proceed with the trial as early as possible and all efforts be made to conclude the same by keeping the case on day-to-day basis, if possible and all endeavours be made to dispose of the matter within a period of one year. If the trial is not concluded within the said period for no reason attributable to the petitioner, he may renew his prayer for regular bail.

The application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

