

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34355 of 2021

Arising Out of PS. Case No.-164 Year-2020 Thana- PUNAURA District- Sitamarhi

AWADHESH SAH SON OF LATE BHARATH SAH R/O VILLAGE-
SHAHBAJPUR, P.S.- HATHAURI, DIST.- MUZAFFARPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ritesh Kumar Narain Singh
For the Opposite Party/s : Mr.Amit Kumar Rakesh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 01-12-2021 Heard learned counsel for the petitioner and learned
counsel for the State.

Petitioner seeks bail in connection Punaura P.S. Case
no. 164 of 2020 registered for the offence punishable under
section 394 of the Indian Penal Code read with sections 25(I-
b)a, 26 and 35 of the Arms Act.

Learned counsel for the petitioner submits that
petitioner is in custody since 18.11.2020 and charge sheet has
been submitted and is person with clean antecedent. Learned
counsel for the petitioner further submits that from perusal of
the allegation as alleged in the FIR, it would manifest that
informant alleges that on 16.11.2020 two miscreants came to his
utensil shop by a Apache motorcycle and demanded six pieces
of glass and when the informant went to bring the glass then



miscreants took out pistol from their waist and started assaulting him and took out Rs 1,35,000/-. On alarm villagers gathered one miscreant managed to escape and one was apprehended who disclosed his name as petitioner. Police came and on search one pistol and six live cartridges were recovered along with mobile. He further submits that petitioner has been falsely implicated in this case for the reason that there was jam on the road on account of presence of customers in the shop of the informant which was on the road and on this an altercation took place and petitioner came to be falsely implicated in the present case. Learned counsel submits that it does not stand to reason in village small utensil shop, informant will keep Rs 1,35,000/- in the shop. He next submits that recovery as alleged is not from his possession but from the person who is alleged to have fled away who was not known to the petitioner and perhaps, it was his arm which was seized by the police and petitioner came to be implicated in this case.

Learned APP opposes the prayer for bail.

Considering the facts that petitioner is in jail custody since 18.11.2020, charge sheet has been submitted and petitioner is a person with clean antecedent, the petitioner is directed to be released on bail on furnishing bail bonds of Rs



10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Sitamarhi in Punaura P.S. Case no. 164 of 2020 with condition that one of the bailers would be mother of the petitioner.

(Satyavrat Verma, J)

s.hassan/-

U		T	
---	--	---	--

