

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38296 of 2021

Arising Out of PS. Case No.-73 Year-2021 Thana- CHHATAUNI District- East Champaran

Siddharth Kumar Son Of Mukesh Kumar Singh Resident Of Village -
Madhuban Police Station Madhuban, District - East Champaran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar No 7
For the Opposite Party/s : Mr. Khursid Anwar

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 23-09-2021 Heard learned counsel for the petitioner and learned A.P.P. for
the State through virtual court proceeding.

Learned counsel for the petitioner undertakes to remove the
defects within four weeks of resumption of normal court proceeding.
In the eventuality of non-removal of defects within undertaken
period, the office will place the matter before the Bench.

The petitioner seeks bail in connection with Chhatauni Police
Station Case No. 73 of 2021 registered for the offence punishable
under Sections 399, 402, 414 of the Indian Penal Code and under
Section 25(1-b)a, 26, 35 of the Arms Act.

On search by the informant who is an Officer in Charge of
Chhatauni Police Station one air gun was recovered from the
possession of the petitioner as well as other arms and ammunitions
were also recovered from the possession of co-accused persons who
were assembled at the place of occurrence. One motorcycle was also
seized from them.



Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case and has not committed any offence as alleged in the FIR. No incriminating article has been recovered from his conscious physical possession. He submits that the recovered motorcycle is not belongs to the petitioner. He submits that no offence under the Arms Act will be applicable against the petitioner because it has been alleged in the FIR that an Air Gun is said to be recovered from the possession of the petitioner which does not come in the purview of Arms and Ammunition as defined in the Arms Act. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. The petitioner has no criminal antecedent as has been mentioned in para 3 of this bail application and he is languishing in custody since 26.02.2021.

Learned APP for the State opposed the bail petition.

Considering the facts aforesaid, the above named petitioner is directed to be enlarged on bail, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor Court in connection with Chhatauni Police Station Case No. 73 of 2021.

(Anjani Kumar Sharan, J)

GAURAV S./-

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