

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33013 of 2020

Arising Out of PS. Case No.-51 Year-2020 Thana- KARTAHA District- Vaishali

Pankaj Kamar, aged about 25 years, (male), Son of Shiv Kumar Sah @ Shiv Kumar Gupta, resident of Village- Ghataro, P.S.- Kartahan, District- Vaishali at Hajipur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Anish Chandra, Advocate
For the State	:	Mr. Anant Kumar, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 27-01-2021

Heard Mr. Anish Chandra, learned counsel for the petitioner and Mr. Anant Kumar, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

2. The petitioner is in custody in connection with Kartahan PS Case No.51 of 2020 dated 16.06.2020, instituted under Section 414 of the Indian Penal Code and Sections 25(1-b)a/ 26(b)/ 35 of the Arms Act,1959 (hereinafter referred to as the 'Act').

3. The allegation against the petitioner and co-accused, Manish Kumar, is that upon the police catching them while they were going on a motorcycle, from the person of the petitioner, one loaded country made pistol was recovered and from co-accused, one live cartridge was recovered and further, that the motorcycle was said to be of the petitioner, but was



found to be stolen.

4. Learned counsel for the petitioner submitted that the petitioner has been falsely implicated. It was further submitted that the petitioner is in custody since 17.06.2020. Further submission is that co-accused has been granted bail.

5. Learned APP submitted that besides there being recovery of loaded country made pistol from the petitioner and the stolen motorcycle, he carries antecedent of six other cases; all under serious sections of the Indian Penal Code and the Act, and thus, he is a veteran criminal. It was further submitted that the co-accused has been granted bail by the Court below itself, which clearly indicates that he may not be having criminal antecedent.

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, for the present.

7. Accordingly, the application stands dismissed.

(Ahsanuddin Amanullah, J)

J. Alam/-

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