

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32233 of 2020

Arising Out of PS. Case No.-221 Year-2020 Thana- KOTWALI District- Patna

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Amit Kumar, Male, aged about 28 years, Son of Shamsher Rai Resident of
Village - Bawanpura, P.S.- Phulwarisharif, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Patanjali Rishi, Advocate
For the State : Mr. Jharkhandi Upadhyay, APP

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 11-01-2021

Heard Mr. Patanjali Rishi, learned counsel for the
petitioner and Mr. Jharkhandi Upadhyay, learned Additional Public
Prosecutor (hereinafter referred to as the 'APP') for the State.

2. The petitioner is in custody in connection with
Kotwali PS Case No. 221 of 2020 dated 09.05.2020, instituted
under Sections 399, 400, 402 and 414 of the Indian Penal Code
and Sections 25(1B)a, 26 and 35 of the Arms Act.

3. The allegation against the petitioner is that he along
with others was caught by the police while preparing to commit
crime and from him there is recovery of a loaded country-made
pistol and a live cartridge.

4. Learned counsel for the petitioner submitted that he
has been falsely implicated and recovery has also been falsely



shown as the so-called witnesses on the seizure are persons who were preparing food at night at the spot. Learned counsel submitted that though the petitioner has been implicated in other five cases which were similar, but he has been implicated in the same not being named, only after the present case. It was further submitted that the petitioner is in custody since 11.05.2020.

5. Learned APP submitted that the petitioner is a veteran criminal being member of a gang and earlier also had committed dacoity and is accused in several cases of similar nature under various police stations. It was further submitted that in the FIR itself it has been stated that the petitioner was already accused in three other cases.

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.

8. However, let the Court below expedite the trial.

(Ahsanuddin Amanullah, J)

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