

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36483 of 2020

Arising Out of PS. Case No.-438 Year-2018 Thana- SARAIYA District- Muzaffarpur

Sanjay Kumar, aged about 44 years, Male, S/o Late Bishwanath Bhagat @
Late Vishwanath Bhagat Resident of Village-Bisarpatti, P.S.-Saraiya, District-
Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Bela Singh, Advocate

For the State : Mr. Damodar Prasad Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 03-02-2021

The matter has been heard via video conferencing.

2. Heard Ms. Bela Singh, learned counsel for the petitioner and Mr. Damodar Prasad Tiwary, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

3. This is the second attempt for bail by the petitioner as earlier such prayer was rejected by order dated 07.01.2020 passed in Cr. Misc. No. 82749 of 2019.

4. The petitioner is in custody in connection with Saraiya PS Case No. 438 of 2018 dated 24.09.2018, instituted under Sections 25(1-B)(a)/26 of the Arms Act, 1959.

5. The allegation against the petitioner is that he was arrested in Saraiya PS Case No. 436 of 2018 dated 24.09.2018



instituted under Sections 302/120B/34 of the Indian Penal Code and 27 of the Arms Act, 1959 and on the basis of his confessional statement made in the said case, the firearm, which is said to have been used in the present crime, was recovered from the place indicated by the petitioner.

6. Learned counsel for the petitioner submitted that the allegation of recovery of firearm is on the basis of information provided by the petitioner but no recovery has been made from his conscious possession. It was submitted that till date charge has not been framed. It was further submitted that the petitioner is in custody since 25.09.2018 in the present case.

7. Learned APP submitted that the petitioner is the person who fired on the deceased of Saraiya PS Case No. 436 of 2018 and on the information provided by him, the police has also recovered the weapon. It was, thus, submitted that the petitioner is the main culprit who has committed the murder.

8. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court does not find any change of circumstances to re-consider the prayer for bail of the petitioner.

9. Accordingly, the application stands dismissed.



10. However, the Court below shall expedite the trial
forthwith.

(Ahsanuddin Amanullah, J)

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