

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 36965 of 2020

Arising Out of PS Case No.-191 Year-2018 Thana- LAUKAHI District- Madhubani

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Pawan Sah, aged about 40 years, (Male) Son of Santlal Sah, Resident of Village- Chhajana, PS- Laukahi, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ratanakar Jha, Advocate
For the State : Mr. Kumar Ranjit Ranjan, APP

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 22-03-2021

Heard Mr. Ratanakar Jha, learned counsel for the petitioner and Mr. Kumar Ranjit Ranjan, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

2. The petitioner is in custody in connection with Laukahi PS Case No. 191 of 2019 dated 28.10.2018, instituted under Sections 399/402 of the Indian Penal Code and 25(1-B)(a), 26 and 35 of the Arms Act.

3. As per the FIR, when police on secret information on night duty raided Barka mango orchard at village Chhajana under Laukahi Police Station, upon torch light, the miscreants started fleeing away and four persons were apprehended and one Scorpio vehicle was standing by the side of the road and upon search, from



the possession of petitioner, one double barrel gun with .12 bore live cartridge were recovered hanging from the neck, five live cartridges of .12 bore and five live cartridges of 7.62 bore were recovered from left pocket of the shirt, countrymade loaded pistol with 7.62 bore cartridge were recovered from waist and from others also there was recovery.

4. Learned counsel for the petitioner submitted that he has been falsely implicated as by chance he was present at the spot but has no connection with the recovered firearms. It was submitted that other co-accused have been granted bail by various co-ordinate Benches. It was further submitted that the petitioner is in custody since 29.10.2018.

5. Learned APP, from the case diary, submitted that against the petitioner there are at least 19 others cases under grave and serious sections of the Indian Penal Code and the Arms Act of various police stations right from the year 2005. It was submitted that during investigation it has come that the petitioner was the leader of the gang and further the manner in which the arms were recovered clearly shows that he is a habitual and hardened criminal.



6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to grant bail to the petitioner.

7. Accordingly, the application stands dismissed.

8. However, in view of the charges having been framed on 10.03.2019, as there are only six prosecution witnesses to be examined, the trial Court shall expedite the trial and conclude the same expeditiously and preferably within six months from the date of receipt of a copy of this order. The Superintendent of Police, Madhubani is directed to ensure production of the prosecution witnesses before the Court on the dates fixed.

(Ahsanuddin Amanullah, J.)

P. Kumar

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