

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 516 of 2021**

Arising Out of PS. Case No.-17 Year-2020 Thana- BHARGAMA District- Araria

GANESH MUKHIYA @ GANESH MUKHIA Son of Ganga Mukhiya
Resident of Village - Rajpur Motihari Gorihari Tola, P.S.- Pipra, District -
Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Mukesh Kumar Rana, Advocate

For the Opposite Party/s : Ms Pushpa Sinha, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 09-03-2021 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in Bhargama Police Station
(for brevity PS) Case No 17 of 2020 dated 10.02.2020 instituted
for the offence punishable under Sections 399, 400, 402, 307 of
Indian Penal Code and Sections 25 (a) (1A) (1AA) (1-B) ab, 26
(1) (2), 27 (1) (2) of Arms Act.

Allegation is that the police party have come on
information regarding planning of dacoity. On reaching the
place, the persons started fleeing away and have also opened
fire from their firearms. In the process, one Auto Driver
sustained injury. The petitioner has been apprehended. On his
search, one country made pistol and two live cartridges have



been recovered.

It is submitted by the petitioner's counsel that petitioner has remained in custody since 12.02.2020. In the investigation, it has surfaced that the firearm, possessed by co-accused Sunil Yadav, was found to have been used in the firing. The petitioner has falsely been implicated because he was at the vicinity.

Learned APP for the State has submitted that the allegation is of planning commission of dacoity, firing upon the police personnel and against the petitioner, there are at least three criminal antecedents.

Having regard to the submissions advanced by the parties, this Court, for the present, is not inclined to grant bail to the petitioner. Prayer is rejected.

(Madhuresh Prasad, J)

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