

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6694 of 2021

Arising Out of PS. Case No.-103 Year-2020 Thana- ISHAKCHAK District- Bhagalpur

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OM KUMAR @ LALLA Son of Mr. Arvind Prasad Singh Resident of Village
- Amba, P.S.- Shahkund, District - Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Udbhav, Advocate

For the Opposite Party/s : Mr. Akhileshwar Dayal, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 09-04-2021 Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State through video

conferencing.

The petitioner has filed the instant application for
grant of regular bail in connection with Ishakchak P.S. Case no.
103/2020 registered under sections 399 and 402 of the Indian
Penal Code, sections 25(1-B)(a), 26 and 35 of the Arms Act and
sections 3 and 4 of the Explosives Substance Act.

As per the allegation in the F.I.R., on information
having been received that the accused persons have assembled
and were planning to give effect to an occurrence, a raid was
conducted. It is stated that 15 cartridges were recovered from
the possession of the petitioner while countrymade pistol and
other articles as detailed in the F.I.R were recovered from other



accused persons.

It is submitted by learned counsel for the petitioner that no recovery as alleged in the F.I.R. has taken place from his possession and he has been falsely implicated in the case because of his antecedent. In respect to the order of the learned Court below mentioning about the petitioner being an absconder in Kotwali (Tilkamanjhi) P.S. Case no. 807 of 2019 and Kotwali (Barari) P.S. Case no. 906 of 2019, attention of the Court is drawn to the statement made in paragraph no. 15 of the petition wherein it has categorically been stated that while in one case the petitioner who has been enlarged on bail, in the other he was taken into the custody while his application for anticipatory bail was pending in this Court. It is submitted that the same is an error of record. The petitioner is in custody since 3.9.2020 and chargesheet has been submitted in the case.

The application for bail is opposed by learned counsel for the State.

Having heard learned counsel for the parties and taking into consideration the submissions made on behalf of the petitioner together with the period in custody, the Court is inclined to enlarge the petitioner on bail. The petitioner is directed to be enlarged on bail in connection with Ishakchak P.S.



Case no. 103/2020 on furnishing bail bond of Rs. 10,000/-
(Rupees Ten Thousand) with two sureties of the like amount
each to the satisfaction of the learned Chief Judicial Magistrate,
Bhagalpur.

(Partha Sarthy, J)

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