

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5848 of 2022

Arising Out of PS. Case No.-129 Year-2021 Thana- PURAINI District- Madhepura

Megho Paswan Son Of Ram Chandra Paswan @ Budho Paswan R/O Village-
Ganeshpur, P.S.- Puraini, District- Madhepura

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhay Shankar Singh, Advocate

For the Opposite Party/s : Mr. Brajendra Nath Pandey, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

4 29-08-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

Heard learned counsel for the petitioner and the
learned APP for the State.

Petitioner seeks regular bail in connection with
Puraini P.S. Case No. 129 of 2021 registered for the offence
under Section 394 of the Indian Penal Code and Section 27 of
the Arms Act.

As per the allegation, the accused persons riding on a
motorcycle dashed their motorcycle against the motorcycle of
the informant owing to that the informant fell down and then the
accused persons tried to snatch the informant's bag which was
protested by the informant and thereafter, the accused persons



fired at the informant and one co-accused Jayjay Sahni was identified by the informant and the other co-accused had his face covered at that time.

The main submissions advanced by the learned counsel Mr. Abhay Shankar Singh for the petitioner are that as per the prosecution, a Splendor motorcycle allegedly used in the crime of the present matter is stated to have been recovered from the house of this petitioner but the said recovery is completely doubtful as the seizure memo to recover motorcycle does not contain the signature of any family member of this petitioner and moreover after the arrest the petitioner was not put on Test Identification Parade and any incriminating material was not recovered from his possession and he has been languishing in jail since 23.09.2021

Learned APP Mr. Brajendra Nath Pandey appearing for the State has opposed the bail prayer.

Heard both the sides and perused the FIR and the case diary of this case. The present case relates to loot which was committed by the accused persons by using fire-arm and the informant was caused fire-arm injury. During the course of investigation the co-accused Jayjay Sahani who was identified by the informant recorded his statement and revealed the name



of this petitioner and other co-accused persons being involved in the various criminal activities and following that statement the alleged motorcycle which was used in the alleged crime of loot, was recovered from the possession of this petitioner and in this regard the Paragraph No.13 of case diary is relevant. The petitioner has got criminal antecedents of four cases which also relate to loot and theft. Considering the nature of the allegation appearing against the petitioner, in my view petitioner does not deserve to bail. Accordingly, his bail prayer stands rejected.

(Shailendra Singh, J.)

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