

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36748 of 2022

Arising Out of PS. Case No.-161 Year-2022 Thana- NAVINAGAR District- Aurangabad

Prakash Kumar Son of Balram Thakur R/O Village- Futharwa, P.S.-
Nabinagar, Distt.- Aurangabad(Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailesh Kumar Singh, Advocate
For the State : Mr. Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 16-09-2022 Heard learned counsel appearing on behalf of the petitioner and learned APP appearing on behalf of the State through virtual Court proceedings.

Let the defect(s), if any, be removed within a period of four weeks from today.

At the outset, learned counsel for the petitioner submitted that at page no.3, in prayer portion, of the bail petition, inadvertently, year of police station case number has been wrongly typed as ‘Nabinagar P.S. Case No. 161 of 2021’ instead of ‘Nabinagar P.S. Case No. 161 of 2022’.

Accordingly, learned counsel for the petitioner is permitted to make necessary correction during the course of the day itself.

The petitioner seeks bail in connection with



Nabinagar P.S. Case No. 161 of 2022 registered for the offence under Section 393 of the Indian Penal Code and Sections 25(1-b)a and 26 of the Arms Act.

The accused/petitioner is named in the F.I.R. and is in custody since 16.05.2022.

The allegation against the petitioner is to commit robbery and while committing so, attempted to take away truck, which belongs to the informant, on gun point, where during course of the occurrence itself, petitioner was alleged to be apprehended by informant, along with pistol.

Learned counsel appearing on behalf of the petitioner submitted that petitioner has been falsely implicated in the present case due to differences over local issues and previous enmity. It is submitted that alleged pistol was produced by the informant, who is also the witness of the seizure list and, as such, it cannot be gathered that pistol was recovered from the conscious physical possession of the petitioner. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and, moreover, investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, while



opposing the prayer of bail, fairly conceded the fact that arrest in the present case was made by private person, as per F.I.R.

In view of the facts and circumstances, as mentioned above, as arrest was made by private person, where recovery of pistol not appears to be made from the conscious physical possession of the petitioner, who is a man of clean antecedent coupled with the fact that chargesheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Nabinagar P.S. Case No. 161 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Aurangabad/concerned Court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

Ankit/-

U		T	
---	--	---	--

