

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37874 of 2022

Arising Out of PS. Case No.-177 Year-2020 Thana- BEERPUR District- Begusarai

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Bulki @ Akshay Kumar Son of Karamchari Sahni, Resident of Village -
Maniyarpur, P.S.- Vidyapatinagar (Ghataho O.P.), District - Samastipur

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dinesh Maharaj, Adv.

For the Opposite Party/s : Mr. Mukesh Kumar Singh, APP.

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 17-11-2022 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Birpur P.S. Case No. 177 of 2020, lodged under Sections 25 (1-
b)a/ 26/ 35 of the Arms Act.

As per prosecution case, it has been revealed that in
course of investigation of cases, 10 accused persons were
arrested and on the information provided by the apprehended
accused persons, a raid was conducted in the house of
Dharmendra Sahni and from his house various incriminating
articles have been recovered.

Learned counsel for the petitioner submits that

petitioner is innocent and has committed no offence. He further submits that nothing incriminating has been recovered from the possession of petitioner, nor he was apprehended from the place of occurrence, his named has figured in this case by virtue of confessional statement of the accused persons who were apprehended from the place of occurrence. He further submits that petitioner is in custody since 22.02.2022 and there are 2 criminal cases pending against him, in which he is on bail in one case and in another case, he is persuading for bail. Learned counsel further submits that the co-accused persons of this case were granted bail by the Co-ordinate Bench of this Court vide orders dated 24.01.2022, 29.01.2022 & 09.03.2022 passed in Cr. Misc. Nos. 43694 of 2021, 45281 of 2021 & 39652 of 2021 respectively.

Learned counsel for the State opposes the prayer for bail and submits that case the of those accused persons who were granted bail and the present petitioner's differs, due to the reason that the present petitioner is in custody since 22.02.2022 whereas all 3 accused persons were in custody since 26.12.2020.

In the present facts and circumstances of this case and the submissions made above, I am not inclined to grant bail to the petitioner, therefore, his bail application is hereby **rejected**,

but the liberty is hereby granted to the petitioner to move for bail after 2 months of framing of charge before the Trial Court and the Trial Court is directed to release the petitioner on bail imposing its own conditions, so that he may not evade his appearance during trial.

(Dr. Anshuman, J.)

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