

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40878 of 2022

Arising Out of PS. Case No.-81 Year-2022 Thana- RIGA District- Sitamarhi

Prince Kumar @ Chaitanay Kumar S/O Late Sushil Kumar Singh R/O
Village- Ghanshyam Pakadi, P.S.- Pipra, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Kumar, Advocate

For the Opposite Party/s : Mr. Harendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 22-11-2022 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 Riga
P.S. Case No.81 of 2022 registered for the offences punishable
under Sections 399, 402 and 414 of Indian Penal Code and
25(1-B) a, 26 and 35 of the Arms Act.

As per the prosecution, from the possession of this
petitioner one loaded country-made pistol, one cartridge, one
mobile phone and a motorcycle which was suspected to be
stolen were recovered and from the possession of other co-
accused persons fire-arms and mobile phones etc were



recovered and as per the prosecution the accused persons had assembled at the alleged place to make preparation to commit *dacoity*.

The main submissions advanced by the learned counsel Mr. Uday Kumar appearing for the petitioner are that the petitioner has been languishing in jail since 14.03.2022 and investigation has been completed against him and he is on bail in respect of all the cases which have been shown as his criminal antecedent in the paragraph No.3 of his petition and the alleged seized motorcycle is petitioner's own property.

Learned APP Mr. Harendra Prasad appearing for the State has opposed the bail prayer.

Heard both the sides and perused the FIR and the seizure list attached to the FIR. As per the allegation one country-made pistol loaded with one cartridge and a stolen motorcycle were recovered from the possession of this petitioner and from the possession of co-accused Mahesh Singh a loaded pistol was recovered and according to the prosecution the accused persons including the petitioner had assembled at the alleged place to commit the offence of *dacoity* and in the meantime they were apprehended by the police. The petitioner has criminal antecedent of six cases which have been lodged in



respect of the offences of loot, dacoity and offences under the Arms Act. Considering the recovery of fire-arm from the conscious possession of this petitioner and also his criminal antecedent, in the opinion of this Court petitioner does not deserve to the privilege of bail. Accordingly, his bail prayer stands rejected.

The Court below is directed to take steps to expedite the trial of this petitioner and conclude the same in the next six months and if the trial of the petitioner is not concluded within the said period or no significant progress is made in his trial then the petitioner may renew his bail prayer after the completion of six months on either of the above two grounds.

(Shailendra Singh, J.)

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