

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41709 of 2022

Arising Out of PS. Case No.-74 Year-2022 Thana- DARIYAPUR District- Saran

1. Prince Kumar Son of Shiv Shankar Nat Resident of Village - Khagaul Pull ke Niche, P.s.- Rupaspur, Distt.- Patna.
2. Godhan Nat Son of Bila Nat Resident of Village - Khagaul Pull ke Niche, P.s.- Rupaspur, Distt.- Patna.
3. Lakhani Nat Son of Buchha Nat Resident of Village - Khagaul Pull ke Niche, P.s.- Rupaspur, Distt.- Patna.
4. Arjun Paswan Son of late Mahavir Paswan Resident of Village - Didarganj, P.s.- Malsalami, Distt.- Patna.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kaushal Kishor, Advocate

For the Opposite Party/s : Mr. Anuj Kumar Shrivastava, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 17-11-2022 The learned counsel for the petitioners is directed to remove all the defects pointed out by the Stamp Reporter within one month.

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

Petitioners seek regular bail in connection with Dariyapur P.S. Case No. 74 of 2022 registered for the offences punishable under Sections 399, 402, 420 of the Indian Penal Code and Sections 25 (1-B)A, 26 and 35 of the Arms Act.

As per the prosecution, the informant along with the

police personnel acting upon a secret information apprehended these petitioners with other co-accused persons from a Scorpio vehicle and upon making search from the possession of these petitioners daggers and mobile phones were recovered and from the possession of other co-accused persons two country-made pistols, two live cartridges, some mobile phones and some other incriminating materials were also recovered from the Scorpio vehicle.

The main submissions advanced by learned counsel Mr. Kaushal Kishor, appearing for the petitioners are that the petitioners have been languishing in jail for the last nine months and as per the prosecution from the possession of the petitioners only knives were allegedly recovered and they have been made accused merely on suspicion.

Learned APP Mr. Anuj Kumar Shrivastava, appearing for the State has opposed the prayer for bail.

Heard both the sides and perused the FIR. Allegedly, from the possession of the petitioners knives were recovered and from the possession of co-accused persons firearms were recovered and all the accused persons were found in a particular vehicle and each of them had particular type of weapon in his possession and as per the prosecution the accused persons had

remained involved in committing offences of loot and dacoity and the recovery of the said weapons goes against the petitioners and there are criminal antecedent of two cases against the petitioners which were lodged under Sections 379 and 461 of the Indian Penal Code. Considering these facts, in the opinion of this Court the petitioners do not deserve to the privilege of bail. Accordingly their prayer for bail stand rejected.

(Shailendra Singh, J.)

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