

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 47793 of 2022

Arising Out of PS. Case No.-189 Year-2022 Thana- MIRGANJ District- Gopalganj

Madan Sah S/o Khenhar Sah R/o village- Machhagarh Urf Lachhiram Patti,
P.S.- Hathua, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jagannath Singh, Adv.

For the Opposite Party/s : Mr. Narsingh Tanti, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 24-11-2022 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
Mirganj P.S. Case No. 189 of 2022 lodged under Sections
461/382 of the I.P.C.

As per the prosecution case, the allegation has been
made in the F.I.R. and case has been filed by the Executive
Director, Hathua Sugar Mills that the petitioner along with other
5 named accused persons were committing theft in the premises.
From the place of occurrence one Pocklen Machine, 2 gas
cutter, 9 Oxygen Cylinder and one LPG Gas Cylinder have been
recovered. One Sixer (Revolver) and five live cartridges were
also recovered from the possession of the petitioner. By the fear
of this arm, they used to commit the theft in the premises.

Learned counsel for the petitioner submits that

petitioner is innocent and has committed no offence. He further submits that petitioner is in custody since 30.05.2022 having clean antecedent. He further submits that no offence either under Section 461 of the Cr.P.C. or under 382 of the I.P.C. are made out against the petitioner. He submits that so far allegation is concerned under arms act, petitioner has a valid license to keep arms.

Learned counsel for the State opposes the prayer for bail and submits that learned counsel for the petitioner has explained everything that this case has not made out, but he failed to explain that under what circumstances, with such machines and arms, petitioner entered in the premises without any authority. He submits that petitioner had no authority to enter in the premises.

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 **rejected**.

Liberty is hereby granted to the petitioner that he may renew his prayer for bail, after framing of charge.

(Dr. Anshuman, J.)

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