

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63663 of 2021

Arising Out of PS. Case No.-623 Year-2021 Thana- FORBESGANJ District- Araria

PRINCE SONI Son of Keshav Soni Resident of village - Najee Chowk,
Jogbani, P.S.- Jogbani, Distt.- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ramesh Kumar Singh

For the Opposite Party/s : Mr.Nirmal Kumar Sinha

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 07-04-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application for regular bail arises out of Forbesganj P.S. Case No. 623 of 2021, disclosing offence punishable under Sections 379/511, 411 of the Indian Penal Code and Section 25(1-b)A/26 of the Arms Act.

Allegedly, while making an attempt to steal a motorcycle, the petitioner was apprehended by the informant. Subsequently, the local people gathered at the place of occurrence and on search, from the petitioner's possession, a pistol was recovered by them. A master key was also recovered from the petitioner's possession. The petitioner was handed over to the police with the master key and the pistol by local persons,



whereafter the FIR came to be registered. It has been sated in paragraph-3 of the application that the petitioner has no criminal antecedent. The petitioner is in custody since 16.08.2021.

Learned counsel appearing on behalf of the petitioner has submitted that no offence under Section 411 of the IPC can be said to be made out as there is no allegation of theft rather the allegation is of attempt to commit theft. He has further submitted that in the light of the provision under Section 37 of the Arms Act, the offence under the Arms Act levelled against the petitioner is bailable.

I find substance in the aforesaid submission made on behalf of the petitioner. In my opinion, a case for grant of regular bail is made out. This application is allowed.

Let the petitioner, above-named, be released on bail on furnishing bail bonds of Rs. 10,000/-(ten thousand), with two sureties of the like amount, each to the satisfaction of learned Chief Judicial Magistrate, Araria, in Forbesganj P.S. Case No. 623 of 2021.

(Chakradhari Sharan Singh, J)

Rajesh/-

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