

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9071 of 2023

Arising Out of PS. Case No.-250 Year-2022 Thana- NAUGACHIA District- Bhagalpur

Bittu Kumar @ Chaman Kumar Son Of Subhash Kumar @ Subhash Kunwar
R/O Village- Sonbarsa, P.S.- Bihpur, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance:

For the Petitioner/s : Mr. Kamlesh Kumar Pathak, Advocate
For the Opposite Party/s : Mr. Surendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 2 03-05-2023 1. Heard learned counsel for the petitioner and the learned APP for the State.
2. Petitioner seeks regular bail in connection with Naugachia P.S. Case No. 250 of 2022 dated 25.08.2022 registered for the offences punishable under Sections 25(1-B)A, 26 and 35 of the Arms Act.
3. As per the prosecution, police personnel during vehicle checking apprehended this petitioner and upon search, one country-made pistol loaded with one live cartridge were recovered from his possession.
4. The main submissions advanced by learned counsel for petitioner are that though against the petitioner there are criminal antecedents of four cases but he has got bail in all the said cases and he has been languishing in jail since 27.07.2022, infact he was not arrested from the alleged place and nothing, as

alleged in the FIR, has been recovered from his possession.

5. Learned APP for the State opposes the bail prayer of the petitioner.

6. Heard both the sides and perused the FIR. There are criminal antecedents of four cases against the petitioner as mentioned in the petition and the instant matter relates to the recovery of fire-arms from the possession of this petitioner and the said recovery was made before two independent persons and as per the prosecution, at the alleged place the petitioner had come with the alleged fire-arm to commit murder of a person, who is accused in connection with another police case. Considering the nature of allegation as well as the recovery of alleged fire-arm from the possession of this petitioner and also his criminal antecedents, in my opinion, it is not a fit case for bail to the petitioner. Accordingly, his bail prayer stands rejected.

7. The petitioner may renew his bail prayer after six months from the date of this order if any significant progress is not made in his trial in the said period.

(Shailendra Singh, J)

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