

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40453 of 2023

Arising Out of PS. Case No.-607 Year-2022 Thana- SITAMARHI District- Sitamarhi

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HARIOM SINGH SON OF RAM PRAVESH SINGH RESIDENT OF
VILLAGE- PUNAURA,PS. SITAMARHI, DISTT- SITAMARHI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pushpendra Kumar Singh, Adv.

For the Opposite Party/s : Mr.Shailendra Kumar Singh, APP.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 11-09-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 25(1-b)a, 26, 29, 35 of the Arms Act.

3(1). The prosecution case as alleged in the FIR is that 11.09.2022 at 22:30 P.M., he along with other personnel proceeded from the police station for patrolling. In sequence of patrolling, they reached at Kiran Chowk and after calling the Panther Mobile, he started checking the vehicles. In the meantime, three persons boarded on one motorcycle were coming, but as they saw the police party, they started fleeing away.

3(2). In sequence of chase, the informant saw that all



three persons were talking with a person in front of the hospital and after seeing the police, they started to flee away, but were apprehended by the police party, whereas one person succeeded in fleeing away with the motorcycle. It is further alleged that on search, from the possession of the apprehended accused persons, many incriminating articles have been recovered.

4. It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. No such occurrence as alleged ever took place. He has been falsely implicated in this case due to ulterior motive. The allegation levelled against the petitioner is totally false and based on concocted facts. No incriminating article has been recovered from the conscious physical possession of the informant. He was not apprehended on the spot. The name of the petitioner has been transpired in the present case merely on the basis of the confessional statement of co-accused Vikash Kumar and Bablu Kumar. Petitioner has one criminal antecedent as mentioned in para-3 of this application.

5. Per contra, learned APP for the State vehemently opposing the bail petition submits that the allegations levelled against the petitioner is serious in nature, as the apprehended co-accused Vikram Kumar and Bablu Kumar have stated in



their confession statements that that they brought the arms from Munger and sold one to the petitioner and for the same, Rs. 20,000/- was also paid by the petitioner to co-accused Vikash Kumar through online mode.

6. Considering the facts and circumstances of case as well as argument of the parties, I am not inclined to enlarge the petitioner on bail. The prayer for bail of the petitioner is hereby rejected.

7. However, if the petitioner surrenders before the learned Court below within six weeks from today and seeks regular bail, the learned Court below shall pass order on the same day in accordance with law without being prejudiced by this order.

(Anjani Kumar Sharan, J)

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