

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63518 of 2022

Arising Out of PS. Case No.-250 Year-2022 Thana- BARAUNI District- Begusarai

MOTI NISHAD Son of Baudhi Nishad @ Baudhu Nishad R/v- Malhipur
Bind Toli, P.S.- Barauni, District- Begusarai

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Sumiran Rai, Advocate

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

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 27-02-2023 Heard learned counsel for the petitioner and the
learned APP for the State.

Petitioner seeks regular bail in connection with
Barauni (Chakiya) P.S. Case No. 250 of 2022 registered for the
offences punishable under Sections 25(1-b)a, 26(i) of the Arms
Act.

As per the prosecution, the police personnel acting
upon a secret information apprehended this petitioner, who was
an absconder in another case and from his possession a country-
made pistol and 18 cartridges were recovered.

The main submissions advanced by the learned
counsel for the petitioner are that the petitioner has been
languishing in jail since 07.06.2022 and he was shown as an
absconding accused in connection with Barauni (Chakiya) P.S.



Case No. 257 of 2021 but he had filed criminal miscellaneous petition before this court for relief of anticipatory bail in that case, the petitioner was arrested from his vegetable field at the instance of Mukhiya of his village and in actual no any type of fire arm was recovered from his possession.

Learned APP appearing for the State has opposed the bail prayer.

Heard both the sides. The FIR goes to show that when the petitioner was arrested he was absconding in a murder case in connection with Barauni (Chakiya) P.S. Case 257 of 2021 and in that matter the police went to arrest this petitioner and he was apprehended with a country made pistol and 18 bullets.

In view of the nature of allegation as well as considering the recovery of said fire arms, this court is not inclined to enlarge the petitioner on bail in the present matter. Accordingly, his bail prayer stands rejected.

Petitioner may renew his bail prayer after three months, if any significant progress is not made in his trial by the trial court.

(Shailendra Singh, J)

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