

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68146 of 2022

Arising Out of PS. Case No.-266 Year-2022 Thana- DHAKA District- East Champaran

MAHAVIR SAH @ MAHABIR SAH @ MAHABIR KUMAR SON OF
SHAMBHU SAH R/O VILL.- BISARAHYA, P.S.- DHAKA, DISTT.- EAST
CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Priyesh Kumar, Advocate

For the Opposite Party/s : Mr. Tapeswar Sharma, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 29-04-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in a case registered for the offences punishable under Section 392 of the Indian Penal Code and r/w under Sections 25(1-b)A, 26 and 35 of the Arms Act.

Learned counsel for the petitioner submits that the petitioner is in custody since 27.06.2022 and has antecedent of five cases.

The informant alleges that he along with his cousin, Md. Majahid Anwar were coming from a marriage in the night of 10.05.2022 at 11 PM, when they were accosted by four accused persons and when the informant stopped his motorcycle, they caught him and his cousin and on point of



pistol looted mobile, two sim cards, purse containing ATM card, passbook of Post Office and cash of Rs. 300/-.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case, it is next submitted that petitioner was not arrested from the spot and his name was disclosed by the accused who was apprehended at the place of occurrence, it is thus submitted that nothing was recovered from conscious possession of the petitioner and he was subsequently remanded in the present case from Dhaka PS Case No. 311 of 2022. It is further submitted that petitioner because of his antecedents has been implicated in the present case, when he was not even present at the place of occurrence.

Learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the submissions, the Court for the present is not inclined to release the petitioner on bail.

However, the petitioner would be at liberty to renew his prayer for bail after framing of charge.

(Satyavrat Verma, J)

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