

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60121 of 2024

Arising Out of PS. Case No.-41 Year-2024 Thana- MANSURCHAK District- Begusarai

Bibhuti Kumar Son of Late Bhushan Ishwar Village- Salempur, P.s.-
Bachhwara District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sabal Kumar Jha, Advocate

For the Opposite Party/s : Mr. Uday Chand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 26-10-2024 Heard Mr. Sabal Kumar Jha, learned Advocate for the
petitioner and the learned APP for the State.

2. The petitioner seeks regular bail, who is in custody in connection with Mansoorchak P.S. Case No. 41 of 2024 registered for the offence punishable under Sections 394 and 397 of the Indian Penal Code and under Sections 25(1-B)a, 26, 27, 35 of the Arms Act.

3. Allegedly, the police on an information that one person is lying in injured condition, rushed to the place of occurrence and took away that person to a hospital. A mobile phone has been recovered from the possession of the injured person. The brother of the injured person disclosed that his brother was going with his vehicle, in the meantime, it appears that some of the miscreants intercepted and has taken away his



vehicle by causing firearm injury. On the basis of the GPS fitted in the vehicle, it was intercepted by police and two persons were apprehended, who were seated in the said vehicle. On search, one countrymade Katta and two live cartridges were recovered.

4. Learned Advocate for the petitioner contended that the petitioner was a victim of the circumstances and on the alleged date of occurrence, he had taken lift on the said vehicle and, in the meantime, he was apprehended by the police. Though the petitioner has been incarcerated since 18.04.2024, but, till date, no test identification parade has been conducted, as to whether he had participated in the crime or not. So far the recovery of arms is concerned, there is total denial. Now, the investigation of the crime is complete and the charge-sheet has been submitted.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that soon after the occurrence, the vehicle was seized by the police, wherein, the petitioner along with one other person was found seated and on the disclosure made by the petitioner, the arms which were used in the occurrence have been recovered. It is also contended that the petitioner bears two criminal antecedent.

6. Regard being had to the submissions made on



behalf of the parties and considering the cogent materials available on record suggesting the complicity of the petitioner in the crime, this Court is not acceded to the prayer of the petitioner and accordingly the same stands rejected.

(Harish Kumar, J)

Jyoti Kumari/-

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