

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78947 of 2024

Arising Out of PS. Case No.-382 Year-2024 Thana- SAUR BAZAR District- Saharsa

Sashit Kumar Son of Virendra Paswan Resident of Village - Saur Bazar, Ward
No. -07, P.S. - Sour Bazar, District - Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Priyanshu Ranjan

For the Opposite Party/s : Mr. Shailendra Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 04-12-2024 1. Heard learned Counsel for the petitioner and
learned Additional Public Prosecutor for the State.

2. This application, for grant of anticipatory bail,
arises out of Saur Bazar Police Station Case No. 382 of 2024,
disclosing offences under Sections 279 and 336 of the Indian
Penal Code and Section 25(1-B)A, 26, 35 of the Arms Act.

3. As per the prosecution, on 16.06.2024, while
informant along with his team was on patrolling duty, then at
around 11:15 pm, he received a secret information that one
accused namely Deepak Swarnkar, who recently came out of jail
from another case, along with two persons, lashed with arms
tried to commit crime at Belha Petrol Pump. Upon this
information, informant along with other police personnel,
reached at the place. Upon seeing the police party, they tried to



flee away but with the help of his team two miscreants were caught and one succeeded in fleeing away. The co-accused persons told their name as Deepak Swarnkar and Santosh Kumar. Upon search, one country made pistol, one live cartridge along with one mobile phone was recovered from the possession of accused Deepak Swarnkar and one country made pistol, one live cartridge and one another live cartridge along with mobile phone was recovered from the possession of accused Santosh Kumar and one motorcycle was also recovered from the possession of both the miscreants. The co-accused persons told the name of another accused as Sashit Kumar.

4. Learned Counsel for the petitioner submits that the petitioner is a student and has falsely been implicated in the present case on the basis of suspicion. Nothing has been recovered from the conscious possession of the petitioner. The country made pistols have been recovered from the co-accused Deepak Swarnkar and Santosh Kumar. Petitioner was not present at the spot and the name of the petitioner has been dragged on the basis of confessional statement of co-accused persons. He further submits that seized motorcycle belongs to the petitioner but the same was borrowed by petitioner's co-villager for the purpose of purchasing medicines from the



market.

5. Having regard to the submissions made on behalf of the parties and taking into consideration the fact that petitioner is named in the FIR and his motorcycle has been seized from the spot, I am not inclined to grant the petitioner privilege of anticipatory bail.

6. This application is, accordingly, rejected.

(Anil Kumar Sinha, J)

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