

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10154 of 2025

Arising Out of PS. Case No.-89 Year-2024 Thana- LAUHIYANAGAR District- Begusarai

Piyush Kumar @ Fuchka, aged about 20 years, Gender-Male, Son of Amod Singh, Resident of Village - Sihma, Ward No.15, P.S. - Matihani, District - Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nidhi Anand, Advocate

For the Opposite Party/s : Mr. Nand Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

3 12-05-2025 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner is in custody in a case registered for the offence punishable under Sections 25(1-b)a & 26 of the Arms Act.

3. As per allegation in the FIR, the Sub Inspector Dharmendra Kumar, Tiger Mobile Constable 112 Aditya Kumar Singh, along with Night Patrol Officer left the police station and accompanying force, Pappu Sharma's lodge was duly cordoned off and raid was duly started following the raid rules. Then a boy came out of room no. 2 on the south side of the lodge and tried to escape by pushing the police force. He was caught with the help of the accompanying force. On asking the name of the



arrested person, he told his name as Piyush Kumar alias Phuchka (petitioner). The body of the arrested person was searched. During the search, a country made pistol hidden in the waist on the left side of the yellow coloured cotton pant was recovered and 03 bullets of 7.65 KF were also recovered. The room of the arrested person was searched. During the search, a country made pistol kept under the pillow on the headrest under his bed was opened. A 315 bore bullet and a Samsung mobile SIM card were also recovered. A seizure list of which was prepared and the accused Piyush Kumar alias Phuchka (petitioner) was arrested.

4. Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case due to previous criminal antecedents. He next submits that no such occurrence, in the manner as alleged, has ever taken place. Petitioner has got seven criminal antecedents, out of which, three cases are similar nature of the offence as stated in para-3 of the petition and he is in custody since 15.09.2024.

5. Learned APP for the State opposes the prayer for regular bail of the petitioner and submits that petitioner has got seven criminal antecedents as stated in para-3 of the petition.

6. On perusal of the first information report, case



diary and impugned order dated 16.01.2025/20.01.2025, it appears that one country made pistol, one country made katta along with one .315 bore cartridge and one mobile were recovered from the house of the petitioner and petitioner has seven criminal antecedents, one case is related with Excise Act and four cases are related with loot and three cases are related with Arms Act, so I am not inclined to grant bail to the petitioner.

7. Accordingly, the prayer for bail of the petitioner is hereby rejected at this stage.

(Ramesh Chand Malviya, J)

Brajesh Kumar/-

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