

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60533 of 2024

Arising Out of PS. Case No.-542 Year-2023 Thana- SAHPUR District- Bhojpur

Pankaj Upadhayay, aged about 31 years, Male, Son of Shiv Kishor Upadhayay, Resident of village -Chhotaki Nainijore, P.S.- Nainijore, District- Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh, Advocate

For the Opposite Party/s : Mr. Ram Sumiran Rai, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

2 17-01-2025 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner apprehends his arrest in connection with Shahpur P.S. Case No. 542 of 2023 instituted for the offences punishable under Sections 25(1-b)a, 26 and 35 of the Arms Act and Sections 364(A) and 411 of the Indian Penal Code.

3. As the prosecution case, one Apache Bike, Mobile, one live cartridge and one loaded revolver were recovered from the accused persons.

4. Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case. He further submits that petitioner is named in the FIR but



not arrested at the spot and nothing material has been recovered from the possession of the petitioner. He next submits that the name of the petitioner surfaced from the confessional statement of the arrested co-accused namely Ayush Tiwari. He submits that there is no any independent witness of the seizure list. Petitioner has got clean antecedent as stated in para 3 of the petition.

5. Learned APP for the State has opposes the prayer for bail.

6. From perusal of the FIR and also perused the impugned order dated 30.07.2024 passed by the learned 1st, Additional Sessions Judge, Bhojpur at Ara, it appears that petitioner is named in the FIR. It also appears that on the basis of written report of the informant Manish Kumar, Police Sub-Inspector, FIR has been lodged against seven accused persons including the petitioner under Sections 25(1-b)a, 26 and 35 of the Arms Act and Sections 364(A) and 411 of the Indian Penal Code. From perusal of the case record, it appears that the petitioner is the named accused and there is allegation of kidnapping and ransom along with other co-accused, which is serious in nature. The statement under Sections 161 and 164 of the Cr.P.C. is that the abduct persons have supported the



prosecution story, so consider the serious allegation against the petitioner as well as involvement of the petitioner in the alleged commission of offence, I am not inclined to grant bail to the petitioner.

7. Accordingly, the application stands dismissed.

(Ramesh Chand Malviya, J)

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