

COURT OF 4TH ADDL.SESIONS JUDGE,MUNGER
S.T. NO. 275 of 2019

28.11.2019 Bail petition filed on behalf of the petitioner namely Sumit Kumar who is in custody since 26.06.2019 in connection with Kasim Bazar P.S Case No. 157 of 2019 under section 399/402 of the I.P.C and Section 25(1-B)a, 26, 35 of the Arms Act is moved today.

 Heard the learned lawyer for the petitioner Sri Diwakar Pd. Singh as well as learned lawyer for the State Sri B.P.Singh Binod and perused the case record.

 Learned lawyer for the petitioner submits that the petitioner is innocent and has committed no offence at all rather he has been falsely implicated in this case at the instance of enemy. Previously no bail application has been filed on behalf of the petitioner either before this learned Court or before the Hon'ble High Court, Patna. Nothing incriminating articles have been recovered from the possession of the petitioner, , the alleged recovery of pistol and cartridges from the petitioner is plantation of the concerned police. From perusal of the material available on record it seems that case u/s 399/402 of the I.P.C is made out and no case under any of the Arms Act is made out against the petitioner because no arms or ammunition is recovered from the possession of the petitioner. Since the petitioner is rotting in custody and except this there is no case against the petitioner. Therefore, it is prayed to enlarge the petitioner on bail.

 Learned A.P.P on the other hand, opposed the bail prayer of this petitioner.

 On perusal of the case record, it reveals that petitioner is an FIR named accused and his complicity came into this case on his confessional statement too. Para 32 of the case diary, which is supervision note offence against the petitioner came true along with other accused persons. His name also came in para 48 and 50 of the case diary.

 Considering the entire facts and circumstances of the case, keeping in view his alleged involvement in this case, I am not inclined to enlarge the petitioner on bail. Accordingly, his prayer for bail stands **rejected**.

Dictated & corrected,

4th Addl. Sessions Judge, Munger,

28.11.19