

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.13487 of 2013

Arising Out of PS.Case No. -315 Year- 2011 Thana -MUFFASIL District- -

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1. Ashok Kumar Singh @ Baiju Singh, S/O Saligram Singh, resident of village- Parsa, P.S- Town (Muffasil), District- Aurangabad (Bihar)

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Dr. Leelawati Kumari, Advocate

For the Opposite Party/s : Mr. R. B.Roy Raman, APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 26-03-2015

1. Supplementary Affidavit filed today be kept on record.

2. The Petitioner seeks quashing of the order dated 20.09.2012 passed by the Chief Judicial Magistrate, Aurangabad, in Muffasil P.S. Case No.315 of 2011 by which he has refused to release the gun of the Petitioner bearing licence No.116/75 as also the order dated 19.01.2013 passed by the Sessions Judge, Aurangabad, in Cr. Revision No.125 of 2012 affirming the said order.

3. It has been submitted on behalf of the Petitioner that it was for protecting his own land that the licensee gun was used for thwarting the designs of the Opposite Party for which counter case was instituted and the gun was not used in the occurrence. The Petitioner submits that he will not misuse the gun in any manner.

4. Considering such undertaking, the Trial Court is

directed to the release the gun in favour of the Petitioner after satisfying itself with the documents produced on behalf of the Petitioner and on undertaking of the Petitioner that he will not misuse it. If the gun is used for any illegal purpose, the same will be impounded.

5. The application stands allowed with the aforesaid observation/direction.

JA/-

(Anjana Prakash, J)

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