

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 47858 of 2015

Arising Out of PS.Case No. -81 Year- 2014 Thana -BARIARPUR District- MUNGER

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Dharo Yadav @ Dhari Yadav @ Dharamveer Kumar Son of Charitar Yadav
resident of village - Sita Kund Dih, P.S. Muffasil, District - Munger.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL ORDER

2 06-11-2015

Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner apprehends arrest in Bariarpur
P.S. Case No. 81 of 2014 dated 28.06.2014 instituted under
Sections 25(a) 25(1)(1-A)/25(1-C)/26 (1) (2)/35 of The Arms
Act, 1959.

The allegation against the petitioner is that he
was driving a Tata Magic vehicle from which in a sac
unfinished firearms have been recovered.

Learned counsel for the petitioner submits that
he was only a driver of the vehicle which was used for
commercial purpose and whatever materials have been seized
belonged to the passenger for which the petitioner cannot be
held responsible. It is further submitted that the petitioner was
in fact having tea when the police seized the vehicle and that
he has no criminal antecedent.

Learned A.P.P. opposes the prayer for anticipatory bail and submits that admittedly the petitioner being the driver of the vehicle and running away when the police intercepted the vehicle indicates that he was fully aware of what was being carried in the vehicle and thus he cannot be said to be innocent.

Considering the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to enlarge the petitioner on anticipatory bail.

The application, accordingly, stands dismissed.

However, in the event the petitioner surrenders and prays for bail before the Court below, the same shall be considered on its own merits, in accordance with law, without being prejudiced by the present order.

(Ahsanuddin Amanullah, J.)

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