

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No. 1219 of 2012

Arising out of P.S. Case No. -63 Year- 2008 Thana -Manjhi
District- SARAN

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Ramayan Tiwari S/o Late Kapildeo Tiwari Resident of Village Jaitiya,
Police Station Manjhi, District Saran (Chapra).

.... Petitioner/s

Versus

The State of Bihar.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Umesh Kumar Mishra, Adv.

For the Respondent/s : Mr. S. A. Ahmad, APP.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 13-02-2015

The Petitioner seeks quashing of the order dated 17.03.2012 passed by the Sessions Judge, Saran at Chapra in S.Tr. No. 125 of 2010 by which he has refused to release his DBBL Gun bearing License No. 114/NPB/Arms/WB/2003 Gun No. SV 8500362 seized in the present case.

The prosecution case is that on 10.07.2008 a Police Case was instituted in which the Petitioner was also made an accused and his licensed arms was seized in the said case. After due trial the Petitioner stood acquitted he then filed an application for release of his Gun.

The admitted position is that the Petitioner is the licensee of the Gun and he was permitted to use the same in the West Bengal and Bihar. After retirement since he is staying in Bihar and there is no reason why he can not hold the gun within

the State on the basis of license granted by the West Bengal Government. There is no claim with regard to the owner-ship of the Gun.

Hence, the order dated 17.03.2012 passed by the Sessions Judge, Saran at Chapra in S.Tr. No. 125 of 2010 is, hereby, set aside.

The sessions Judge, Saran at Chapra is directed to release the aforesaid DBBL Gun in favour of the Petitioner after due verification of the documents within a period of fifteen days from the date of receipt of this order.

The application is allowed with the aforesaid observations.

(Anjana Prakash, J)

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