

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.14722 of 2014

Arising Out of PS.Case No. -114 Year- 2010 Thana -MAJORGANJ District- SITAMARHI

- =====
1. Gunjan Kumar Singh, S/O Mr. Brijvansha Singh, Resident of Village-Madhopur, Police Station Majorganj, District Sitamarhi.
 2. Amit Kumar @ Tunna Singh, S/O Mr. Gajendra Singh, Resident of Village Sonar, Police Station Riga, District Sitamarhi. At present residing at Janta Badi Complex, Lal Kothi, Ring Road, Police Station Sukhdev Nagar, District Ranchi, State Jharkhand.
- Petitioners

Versus

The State of Bihar

..... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Navendu Kumar, Advocate

For the Opposite Party/s : Mr. Najir Ansari, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL JUDGMENT

Date: 20-06-2016

Heard learned counsel for the petitioners and learned counsel for the State.

This application has been filed seeking quashing of the First Information Report of Majorganj P.S. Case No. 114 of 2010 registered for the offences punishable under Sections 25(1-B)a, 29 and 30 of the Arms Act.

Briefly speaking, with an allegation that the petitioner no.1 was found in possession of a rifle though he did not have any license to possess the said firearm, the said First Information Report was registered. The license was admittedly issued in the name of one Amit Kumar @ Tunna Singh of Ranchi from the licensing authority at Ranchi. In response to the query made by the Officer-in-charge of the Police Station, he said that the licensee-Amit Kumar @ Tunna Singh (Petitioner No. 2) was resident of Sitamarhi and who had taken

contract work for construction of road at Sitamarhi and for the purpose of security, he was in possession of the said rifle, owned by said Amit Kumar @ Tunna Singh.

Apparently, license was issued in favour of one Amit Kumar @ Tunna Singh for the State of Jharkhand and the petitioner No.1 was found in possession of the said rifle. With these allegations, the First Information Report of Majorganj Police Station Case No. 114 of 2010 came to be registered for the offences punishable under Sections 25 (1-B)a, 29 and 30 of the Arms Act.

Upon submission of the chargesheet, the Court has taken cognizance. An application for discharge was filed on behalf of the petitioners, which came to be rejected by the learned Judicial Magistrate 1st Class, Sitamarhi vide order dated 06.02.2014, validity of which has been challenged in the present application under Section 482 of the Code of Criminal Procedure.

Learned counsel for the petitioners has submitted that on the basis of material on record, no offence under the provisions of the Arms Act is made out and learned court below wrongly rejected his application for discharge.

I have perused the First Information Report and the order under challenge as well. It cannot be said that there is absolutely no material for framing of charge against the petitioners. The order under challenge does not require interference in exercise of power under

Section 482 of the Code of Criminal Procedure.

This application is, accordingly, dismissed.

(Chakradhari Sharan Singh, J)

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