

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11063 of 2016

Arising Out of PS.Case No. -76 Year- 2015 Thana -NIMCHAKBATHANI District- GAYA

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Pappu Khan @ Pappu Alam son of Feku Mian @ Naseem Mian, resident of village Khudai, P.s. Khizarsarai, District- Gaya, as per F.I.R. residing at Simraur, P.S.- Neemchak Bathani, District- Gaya

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 18-04-2016

Heard learned counsel for the petitioner and the State.

The petitioner is apprehending his arrest in a case instituted under Sections 25 (1-B) A/26 of the Arms Act and Section 34 of the Indian Penal Code.

Allegation against the petitioner is that on raid by the police one country made rifle without bore was recovered from his house.

It is submitted on behalf of the petitioner that he has been falsely implicated in the present case. There is no recovery from the conscious possession of the petitioner. There is no compliance of Section 100 of the Code of Criminal Procedure in the present case. It is further submitted that recovery was not made from the residential village of the petitioner.

On behalf of the State, it is submitted that petitioner is named in the F.I.R. and one country made rifle without bore is said to have been recovered from the house of the petitioner.

Considering the aforesaid facts and circumstances, I am not inclined to grant anticipatory bail to the petitioner, same is rejected.

Any how, if petitioner surrenders in the court below, i.e., learned A.C.J.M.-X, Gaya, in connection with Nimchak Bathani P. S. Case no.76 of 2015 within a period of six weeks from the date of receipt of a copy of this order and prays for regular bail, same shall be considered and disposed of on its own merit preferably on the same day without being prejudiced by this order.

(Sudhir Singh, J)

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