

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28556 of 2016

Arising Out of PS.Case No. -85 Year- 2016 Thana -GAYA MUFFASIL District- GAYA

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Suman Kumar S/o Subodh Singh, resident of village - Mubarakchak, P.S.
Muffasil, District - Gaya

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Vinod Kumar, Advocate.

For the Opposite Party : Ms. Anita Kumari Singh, APP.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

5 10-11-2016 Heard both sides.

The petitioner apprehends his arrest in Muffasil P.S.
Case No. 85 of 2016 registered for the offences punishable under
Sections 25(1B)/26/35 of the Arms Act.

The petitioner lodged Muffasil P.S. Case No. 392 of
2015 against Arvind Malakar and others for assaulting the
informant and for pointing out pistol at Suman Kumar, the
petitioner, but during course of investigation it transpired that no
such occurrence took place. The petitioner, himself, produced the
arms before the police in order to implicate Arvind Malakar and
his brother-in-law in a false case of recovery of arms.

Learned counsel for the petitioner submits that there is
nothing on record to show that the arms was produced by the

petitioner. In fact, the petitioner snatched arms from Arvind Malakar and his brother-in-law and produced the same before the police in presence of two witnesses. The two witnesses have already been enlarged on anticipatory bail by the court below, but from perusal of the records it appears that the petitioner, himself, produced the illegal arms before the police in order to implicate Arvind Malakar and his brother-in-law in a false case of recovery of arms.

Considering the facts aforesaid, I am not inclined to enlarge the petitioner above named on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J.)

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