

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11327 of 2016

Arising Out of PS.Case No. -146 Year- 2015 Thana -ISHOPUR District- BHAGALPUR

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Md. Muntsir @ Raja Son of Md Kalim, resident of Village- Pyalapur
English P.S- Ishipur Barahat, District Bhagalpur.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Bimlendu Shekher Thakur, Advocate

For the Opposite Party/s : Mr. Nagendra Pd.(App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 02-05-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is apprehending his arrest in connection with Ishipur Barahat P.S. Case No.146 of 2015 for the offence instituted under Section 25(1-a) (1-b)a, 26 and 35 of the Arms Act.

The prosecution case, in brief, is that on alleged date of occurrence the informant, who is the officer-in-charge of Ishipur Barahat Police Station received secret information on his Government mobile phone that in village Beltikari near a shop situated near the house of one Shyam Sunder Mandal, tow persons variously armed with fire arms are assembled. On this information, the informant and other police personnels went at the



place of occurrence and as it is alleged seeing the police party the persons started fleeing away from there but the police party caught hold of one persons who disclosed his name as Md. Panchu @ Rashid Khan and on search being made it is alleged that a country made pistol, three cartridges out of them two were of .315 and another was of 7.62 mm and also a Samsung mobile phone were recovered. The arrested person also disclosed the name of his associate who fled away from there as Md. Muntsir @ Raja and he was also possess arms and ammunition. He has said thast Md. Muntsir @ Raja is his brother-in-law. The arrested persons also disclosed that both were engaged themselves in purchasing and selling the arms and ammunities.

It is submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. No recovery has been made from conscious possession of the petitioner. Petitioner's name has come on the basis of confession of co-accused. Whatever recovery is there, i.e., from the co-accused, namely, Md. Panchu @ Rashid Khan.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R. and at the time of search, he had fled away from the P.O.

Considering the aforesaid facts and circumstances, I

am not inclined to grant anticipatory bail to the petitioner. The same is rejected. Anyhow, if the petitioner surrenders in the court below, same shall be considered on its own merit without being prejudiced by this order taking into account that there has been no recovery of any arms from the conscious possession of the petitioner.

(Sudhir Singh, J)

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