

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.23201 of 2017

Arising Out of PS.Case No. -111 Year- 2017 Thana -MARHAURA District- SARAN

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Shiv Dayal Sah son of Late Asharfi Sah Resident of Village - Mubarakpur,
P.S. - Marhowrah, District - Saran. Petitioner

Versus

The State of Bihar. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Dr. Rajesh Kumar Singh, Advocate

For the Opposite Party/s : Mr. APP

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

3 07-07-2017 Heard learned counsel for the petitioner and learned
counsel representing the State.

Petitioner apprehends his arrest in connection with
Marhowrah P.S. Case No. 111 of 2017 registered for the offences
punishable under Sections 341, 323, 504, 506, 307/34 of the
Indian Penal Code and Sections 25(1-b)a,26/27 of the Arms Act.

Allegedly, the petitioner opened fire upon the informant
which did not hit and again the petitioner opened fire which also
did not hit, thereafter, the family members of the informant caught
the petitioner after chase and recovered loaded country made katta
and four live cartridges and when the petitioner was being brought
to Police Station, co-accused Bajrangi Sah got him freed.
Thereafter, the Mukhiya and Sarpanch were informed who
informed the Police and recovered Katta and cartridges were
produced before the Police.



Submission is of false implication and that nothing has been recovered from conscious possession of the petitioner, no offence under Sections 25(1-b)a,26/27 of the Arms Act is made out and as such the petitioner deserves sympathetic consideration.

Learned APP opposes the prayer of pre-arrest bail.

In the facts and circumstances stated above, considering the allegation attributed against the petitioner, this Court is not persuaded to grant the privilege of pre-arrest bail to the petitioner, accordingly, his such prayer stands rejected.

(Jitendra Mohan Sharma, J)

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