

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13493 of 2017

Arising Out of PS.Case No. -60 Year- 2017 Thana -KHAGARIA District- KHAGARIA

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Kamdeo Paswan, Son of Late Dhaneshwar Paswan, resident of Village-Mathurapur, P.S. and District- Khagaria.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA
ORAL ORDER

2 02-05-2017 Heard learned counsel for the petitioner and the learned
A.P.P. for the State.

The petitioner apprehends his arrest in connection with Khagaria P.S. Case No.60 of 2017/G.R. No.286 of 2017 registered under Sections 25(1-b)a, 26 and 35 of the Arms Act, pending in the court of the Chief Judicial Magistrate, Khagaria.

The accusation is that the informant being the Investigating Officer of Khagaria P.S. Case No.56 of 2017 alongwith other police officials reached at the house of Dinesh Paswan in village-Mathurapur. On seeing the police party, Dinesh Paswan started to flee away towards north to his house but he was apprehended. On search, one country made pistol and one live



cartridge was recovered from the possession of Dinesh Paswan. In that course, in the northern room of the house of the petitioner, one country made pistol beneath the pillow was recovered. On query being made by Dinesh Paswan regarding Khagaria P.S. Case No.56 of 2017, Dinesh Paswan confessed his guilt and stated that he had used the pistol in committing the offence of that case, the barrel of which had been fallen due to its damage and he had kept the butt near the palm tree concealing in the tyre of old tractor. Dinesh Paswan also stated that the room from where the pistol beneath the pillow has been recovered is of his father.

Learned counsel appearing on behalf of the petitioner submits that it would appear from the F.I.R. that the petitioner is the father of the co-accused Dinesh Paswan and at the time of search, one pistol was recovered from the northern room of the house of the petitioner in presence of his son Dinesh Paswan and this petitioner was not present at that time of the aforesaid recovery. In fact, the petitioner, who is the father of the co-accused Dinesh Paswan, is the driver of Civil S.D.O., Khagaria, and he has falsely been implicated in this case with an ulterior motive.

Having considered the facts and the circumstances of the case and the nature of allegation, I am not inclined to grant



anticipatory bail to the petitioner. Accordingly, the prayer of the petitioner for grant of anticipatory bail stands rejected. However, the petitioner is directed to surrender before the trial court within four weeks from today and pray for regular bail, which shall be considered by the trial court in accordance with law without being prejudiced by the order of this Court.

(Rajendra Kumar Mishra, J)

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