

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.33669 of 2017**

Arising Out of PS.Case No. -11 Year- 2017 Thana -HAZIPUR INDUSTRIAL District-  
VAISHALI(HAJIPUR)

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1. Rakesh Sah @ Rakesh Kumar @ Rakesh Kumar Sah, son of Sri Surendra Sah, resident of Village- Patepur, Sarai, P.S.- Kartahan, District- Vaishali at Hajipur.

.... .... Petitioner/s

Versus

1. The State of Bihar.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Navjot Yesu

For the Opposite Party/s : Mr. Ram Sumiran Roy

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**CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA**  
**ORAL ORDER**

2      20-07-2017

Heard the parties.

This application is for grant of anticipatory bail in connection with Industrial Area P.S.Case No.11 of 2017 for the offences punishable under Sections 25(1-B)a/26/35 of the Arms Act.

The petitioner is not named in the F.I.R. and later on his name transpired during the course of investigation of the case on the basis of confessional statement of the co-accused.

Submission of the learned counsel for the petitioner is that he was not arrested at the spot rather the co-accused has named in his confessional statement and nothing has been recovered from him. In respect of the motorcycle, it has been submitted that it belongs to the petitioner and there is no seizure from the petitioner, as such, no case under Section 414 of the



I.P.C. or 25 (1-B) and other Sections of the Arms Act is made out against the petitioner.

Heard learned A.P.P. also.

Having heard both sides and in view of the fact that he is named in the confessional statement of the co-accused, I am not inclined to grant anticipatory bail to the petitioner, however, the petitioner is directed to surrender before the learned court below within a period of four weeks and make prayer for regular bail, which will be considered by the learned court below and he will also consider that there is no case under the Arms Act. So far motorcycle is concerned, submission of the learned counsel for the petitioner is that the motorcycle is of the petitioner and the petitioner is ready to produce papers relating to the ownership of the motorcycle.

The learned court below will also verify the aforesaid facts and after being satisfied with the aforesaid aspects, he will release the petitioner on bail on his own satisfaction, otherwise he will pass any other order or orders, as he deems fit and proper on the same day.

With the aforesaid observation, this application is disposed of.

**(Vinod Kumar Sinha, J)**

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