

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No.38497 of 2018**

Arising Out of PS.Case No. -320 Year- 2018 Thana -SA SARAM NAGAR District- SASARAM  
(ROHTAS)

- =====
1. Vishal Kumar, son of Chhedi Chaudhari.
  2. Krishna Kumar @ Painter, son of Surendra Bind. Both residents of Village - Kadirganj, P.S. Darigaon, District Rohtas.

.... .... Petitioners

Versus

The State of Bihar.

.... .... Opposite Party

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**Appearance :**

For the Petitioners : Mr. Abhinay Raj, Advocate.

For the Opposite Party : Smt. Renuka Ratnakar, APP 125

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**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**  
**ORAL ORDER**

2      11-07-2018                      Heard learned counsel for the petitioners and learned  
counsel for the State.

The petitioners are apprehending their arrest in a case for the offence registered under Sections 25(1-b)A, 26, 35 of the Arms Act and 37(B) of the Bihar Excise and Prohibition Act, 2016.

The prosecution story, in brief, is that on 20.02.2018, the informant got information that three persons were planning for committing crime and they had kept firearms with them. The informant reached at the place of occurrence and caught one co-accused Bikau Bind @ Vindhyachal Bind @ Birju Bind who was in drunken state and rest of two accused fled away. He disclosed



the names of these petitioners. From possession of Bikau Bind @ Vindhyachal Bind @ Birju Bind, one country made pistol, two live cartridges, one Mobile Phone and cash of Rs. 200/- were recovered.

It has been submitted by learned counsel for the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case. It is alleged that from possession of Bikau Bind @ Vindhyachal Bind @ Birju Bind, one country made pistol, two live cartridges, one Mobile Phone and cash of Rs. 200/- were recovered who was alleged to be in drunken state. The name of the petitioners has come on the basis of disclosure made by the co-accused, Bikau Bind @ Vindhyachal Bind @ Birju Bind. Except for this, there is no other substantive evidence to suggest the implication of the petitioners in this case. There is no recovery of any liquor or intoxicant from the conscious possession of the petitioners. The petitioners had no knowledge regarding the alleged incident. There is no compliance of Section 100 Cr. P.C.

On behalf of the State, it is submitted that the petitioners are named in the F.I.R/ Complaint Case.

Considering the aforesaid facts and circumstances, let



the petitioners above named, in the event of arrest or surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise, Rohtas at Sasaram, in connection with Sasaram (Town) P.S. Case No. 320 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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**(Sudhir Singh, J)**

