

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.72732 of 2018

Arising Out of PS. Case No.-376 Year-2018 Thana- BARHARA District- Bhojpur

Rocky Singh, Son of Upendra Singh, resident of Village- Bakhorapur, P.S.-
Barahara, District- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Awadhesh Pd. Sinha, Adv.

For the Opposite Party/s : Mr. Nirmal Kumar Sinha, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 20-12-2018 The petitioner seeks bail in anticipation of his

arrest in connection with Barahra P.S. Case No. 376 of

2018, dated 18.09.2018, instituted for the offences under

Sections 25(1-b)a and 26 of the Arms Act, 1959.

Two country made pistols and ammunition were
allegedly recovered from the house of the petitioner in his
absence. Hence, his prosecution in the present case.

Mr. Awadhesh Prasad Sinha, the learned counsel



for the petitioner has drawn the attention of this Court to the self-statement of the police officer, which is the basis of the F.I.R. On secret information that the petitioner is selling liquor illegally, a raid was conducted in the house of the petitioner. No liquor was found. However, from one corner of the house, two loaded country made pistols and ammunition were recovered. The seizure list indicates that the father of the petitioner was made to sign the same. It appears rather surprising, as has been argued on behalf of the petitioner, that the house which in joint possession of the petitioner, his father and uncles was raided where everybody was present and without there being any indication by any one of the members of the family that the place from where the firearm weapons were recovered, exclusively belonged to the petitioner or was used by him, but only the petitioner has been made accused in this case.

It has further been submitted that the petitioner has clean antecedents and the police officer, on finding that the raid which was conducted in the joint house of the petitioner ended in recovery of nothing has, chosen to lodge



this false case involving the petitioner and others.

Regard being had to the aforesaid facts as also taking into account that no liquor was found for which purpose, raid was conducted and the clean antecedents of the petitioner above named, he, in the event of his arrest or surrender before the learned Court below within a period of four weeks from the date of receipt/production of a copy of the present order, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhojpur, Ara in connection with Barahara P.S. Case No. 376 of 2018, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

(Ashutosh Kumar, J)

Praveen-II/-

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