

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39441 of 2018

Arising Out of PS. Case No.-80 Year-2018 Thana- DEEPNAGAR District- Nalanda

Bhushan Yadav, Son of Lakhan Yadav, Resident of Village- Korai P.S.
Deepnagar, District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar, Adv.

For the Opposite Party/s : Mr. Uma Shankar Pd. Singh, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 10-07-2018 Heard learned Counsels for the petitioner and learned APP
for the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 25(1-B)a, 26 of the Arms Act.

The prosecution case got instituted on the written statement of Rahul, SHO of Deep Nagar Police Station on 11.03.2018 is to the effect that a secret information was received that Bhushan Yadav, the petitioner has kept illegal arms in the heap of the paddy straw, in front of his house and consequently a raid was made by the police personnel and from the heap of paddy straw of the petitioner a country made pistol and two live cartridges were recovered.

It is submitted by learned counsel for the petitioner that the



recovery of the said arms was made from an open area and it cannot be treated as the recovery of the arms from the possession of the petitioner. Hence, no offence under the Arms Act is made out.

Considering the serious criminal antecedent of the petitioner, this Court is not inclined to enlarge the petitioner on anticipatory bail.

Let the learned Court below consider the prayer for regular bail of the petitioner without being prejudiced by this order and keeping in view the fact that recovery has been made from an open area, if the petitioner surrenders within a period of six weeks in connection with Deep Nagar P.S. Case No.80 of 2018, pending before the learned CJM, Nalanda.

With the above observation, this application is, accordingly, disposed off.

(Dinesh Kumar Singh, J)

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