

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14700 of 2019

Arising Out of PS. Case No.-104 Year-2018 Thana- CHACKMENSI District- Samastipur

SUVESH KUMAR Son of Vishwanath Sahni Resident of Village - Kalojar,
Tola Akona, P.S.- Chakmashesi, Distt.- Muzaffarpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Dinesh Jha

For the Opposite Party/s : Mr.Ashok Kumar Singh

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 11-03-2019

Heard learned counsel for the parties.

This application for anticipatory bail arises out of Chakmahesi P.S. Case No. 104 of 2018 for the offence under Sections 25(1-B)A and 26 of the Arms Act.

The case of the prosecution is that the petitioner had got instituted a First Information Report being Chakmahesi P.S. Case No.73 of 2018 on the allegation that the accused person had entered into his house with a firearm. He had produced the accused of the said case with the firearm before the police, whereafter he was arrested. The case, so registered by the petitioner, has been found to be false and accordingly the present case has been registered with the allegation that the petitioner had planted the said firearm.

Learned counsel appearing on behalf of the petitioner



has submitted that the case has been registered two months after the date of occurrence. It has also been submitted that the First Information Report has been registered in order to save the skin of the accused of said Chakmahesi P.S. Case No. 73 of 2018.

Considering the fact that there is allegation against the petitioner is of planting the firearm for the purpose of implicating a person in a criminal case, I am not inclined to grant the petitioner privilege of anticipatory bail. This application is accordingly rejected.

The petitioner is directed to surrender before the Court below within a period of four weeks from today and seek regular bail, if so advised. If he does so, his application for regular bail shall be considered by the learned Court below on its own merit without being prejudiced by rejection of present application for grant of anticipatory bail.

(Chakradhari Sharan Singh, J)

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