

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21056 of 2015

Arising Out of PS. Case No.-20 Year-2004 Thana- BUDDHACOLONY District- Patna

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Dhirendra Kumar Sinha @ Dhirendra Kumar Karan son of Maheshwar Prasad
resident of Mohalla - Khaura, P.S. Usari Bazar, District - Jehanabad at present
Loko Colony, Quarter No. 613 B.P.S. Khagaul, Dist – Patna.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bindeshwar Prasad Singh, Advocate

For the Opposite Party/s : Mr. R.N. Jha, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 23-07-2019

Heard learned counsel for the petitioner.

2. The petitioner is accused in connection with Budha Coloney P.S. Case No.20 of 2004, wherein the learned Chief Judicial Magistrate, Patna, has taken cognizance for the offences under Sections 411 and 414/34 of the Indian Penal Code and Sections 25(1-b)A/26/35 of the Arms Act.

3. According to First Information Report the police got information that near Gandhi Maidan a group of shooters was roaming. When the police reached there, two motorcyclists were intercepted, from one motorcycle three persons were arrested and from another motorcycle two persons were arrested. The motorcycles were seized as the



accused did not show any paper of the same and on physical search from the possession of the petitioner two live cartridges were recovered.

4. Submission of the learned counsel for the petitioner is that for prosecution under the Arms Act prior sanction of the competent authority is necessary which has not been obtained. His further submission is that wife of this petitioner has filed a petition before the Court of learned Chief Judicial Magistrate, Patna, vide Misc. Case No.8 of 2004, informing therein that her husband was arrested by the police from the quarter on 27.01.2014 and thereafter whereabouts of the husband is not known. Later on, she came to know that police has shown arrest of the petitioner near Gandhi Maidan.

5. The issue of sanction can be looked into at the appropriate stage of the trial, especially for the reason that cognizance has been taken for the offences under Sections 411 and 414/34 of the Indian Penal Code also and sanction for prosecution for offences of the Indian Penal Code is not applicable in this case. Furthermore, the probable defence of the accused that he was arrested somewhere else can be looked into at the trial to doubt the veracity of the prosecution



version. Hence, I am not inclined to interfere with the
impugned order.

6. Accordingly, this application stands dismissed.

(Birendra Kumar, J)

Mkr./-

AFR/NAFR	NAFR
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