

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15390 of 2019

Arising Out of PS. Case No.-66 Year-2019 Thana- SASARAM NAGAR District- Rohtas

Shashank Kumar Singh, aged about 24 years, Male, Son of Ajay Kumar Singh
R/o village- Dhawani, P.S.- Karakat, District- Rohtas, at present Mohalla-
Lambedar Satedar Gate, Gali No. 1, P.S.- Sasaram (Model), District- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sada Nand Roy

For the Opposite Party/s : Mr.Satyavrat Verma

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 13-03-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since
28.01.2019 in a case registered for the offences punishable
under Sections 25(1-B)a/26 of Arms Act.

The prosecution case as per the written report of
Shatrughan Prasad Gupta, the informant being the owner of
Natraj Hotel, submitted to the Station House Officer of Sasaram
Model P.S. is to the effect that on 28.01.2019, during a
marriage ceremony on suspicion a person was searched who
disclosed his name as Shashank Kumar Singh, the petitioner and
from his possession one country made pistol and four live



cartridges were recovered. In the meantime, police reached and arms were handed over to the police.

It is submitted by learned counsel for the petitioner that not only the arms was recovered from the petitioner by a private person but he was handed over to the police by the private person also, hence, the case comes under Section 37(b) of the Arms Act and in that case it is imperative on the part of the Officer-in-Charge of the nearest police station to release the person concerned. A statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that the recovery has been made from the physical conscious possession of the petitioner.

Considering the fact that the narration of the FIR suggests that on recovery of the pistol with live cartridges police was informed and thereafter production -cum- seizure list was prepared but perhaps it appears that since the FIR was not registered under Section 37(b) of the Arms Act, hence, the provision of 37(b) was not exercised. However, it appears that the issue was not raised on behalf of the petitioner at the initial stage, hence, now the same remains an academic question.

However, keeping in view the fact that the petitioner



is not having any criminal antecedent and he has remained in custody for about six weeks, let the above named petitioner be released on bail, on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sasaram, Rohtas in connection with Sasaram (Model) P.S. Case No. 66 of 2019.

(Dinesh Kumar Singh, J)

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