

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19087 of 2019**

Arising Out of PS. Case No.-12 Year-2019 Thana- HATHAURI District- Muzaffarpur

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Ajay Kumar, Son of Goni Rai, Resident of Village- Maksudpur, P.S.-
Minapur, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok

For the Opposite Party/s : Mr. Sanjay Kumar

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 01-04-2019 Heard learned counsels for the parties.

The petitioner is languishing in custody since 20.01.2019 in a case registered for the offences punishable under Sections 25(1-B)a, 26 and 35 of the Arms Act.

The prosecution case as per the written report of SHO, Hathauri Police Station submitted to learned ACJM-cum-Sub Judge-X, Muzaffarpur is to the effect that on 18.01.2019, the informant intercepted a Wagon-R car in which two two persons were found sitting and a truck was also found parked near the said car. It is further alleged that on the basis of suspicion,



search was made of the apprehended persons and from the possession of co-accused Pankaj Kumar, one country made pistol and five live cartridges were recovered and from the petitioner one mobile, cash amount of Rs.502/- and one ATM card were recovered.

It is submitted by learned counsel for the petitioner that nothing has been recovered from the conscious physical possession of the petitioner and the petitioner has no concern with the vehicles in question. A statement has been made in paragraph no.12 of the petition, which reads as follows:-

“12.That, it is further stated that the petitioner was not interested in the proposal of the police and he refused to make his signature on the seizure list and that came in shape of this case. The petitioner has nothing to do either with Wagon-R or the truck in any manner.

Learned APP submits that the recovery has been made from the car in which the petitioner was sitting.

Considering the fact that the case has been registered under the Arms Act, but no arms has been recovered from the conscious physical possession of the petitioner, let the petitioner above named 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 the learned **Sub-Judge-X-**



cum-ACJM-X, Muzaffarpur in connection with **Hathauri**
P.S. Case No.12 of 2019.

(Dinesh Kumar Singh, J)

Deepak/Rahul/-

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