

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24550 of 2019

Arising Out of PS. Case No.-84 Year-2019 Thana- BETTIAH CITY District- West
Champaran

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Annu Kumar @ Saurav Kumar son of Pyarelal Patel, R/o village Uttarari
Pokhara Mahair Chowk, P.S. Kalibag O.P. (Bettiah Town), District West
Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey

For the Opposite Party/s : Mr.Gulnar Begum

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 16-04-2019 Heard both sides.

The petitioner apprehends his arrest in Bettiah Town
P.S. Case No.84 of 2019 registered under Sections 25(1-B)a, 26
and 35 of the Arms Act.

The gist of the allegation that the police apprehended
one Lucky @ Soaib Akhtar from whose possession, one loaded
pistol was recovered. Lucky @ Soaib Akhtar is also said to have
disclosed that the petitioner (Annu Kumar), who runs a gym in
his house, had given firearm to him.

Learned counsel for the petitioner submits that no
offence under sections 25(1-B)a, 26 and 35 of the Arms Act is
made out against the petitioner. There is no material on record to
show that it was the petitioner who had handed over a firearm to



Lucky @ Soaib Akhtar. The petitioner being the owner of the building chided Lucky not to disturb the girls who used to come to his Gym and, therefore, on being annoyed, Lucky @ Soaib Akhtar named the petitioner.

Having considered the facts aforesaid and the fact that the accused from whose possession a loaded pistol was recovered disclosed that the petitioner had given a firearm to him but there is no material to substantiate the fact that the petitioner had given a loaded firearm to Lucky @ Soaib Akhtar, the above named petitioner, in the event of his arrest or surrender before the learned court below within a period of four weeks from the date of receipt/production of a copy of this order, is directed to be enlarged 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 C.J.M., Bettiah, West Champaran in connection with Bettiah Town P.S. Case No.84 of 2019, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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