

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30585 of 2019

Arising Out of PS. Case No.-505 Year-2018 Thana- DIGHA District- Patna

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DHARAMVIR ROY @ DHARMVEER KUMAR Son of Dongar Roy @
Nand Kumar Ray Resident of Village - Bicuit Factory, New Mithila Colony,
P.S.- Danapur, Dist.- Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Dhananjay Kumar Tiwary

For the Opposite Party/s : Mr.Akbar Ali

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 08-05-2019 Heard learned counsel for the parties.

This application for anticipatory bail arises out of
Digha P.S. Case No. 505 of 2018 for the offence punishable
under Sections 25(1-B)a, 26 and 35 of the Arms Act.

According to the case of the prosecution, on the
basis of secret information that a noted criminal, co-accused
Arvind Kumar, was available with his men in his residence, a
raid was conducted. On seeing the police, the accused persons
started fleeing away. The said Arvind Kumar and Kallu Kumar
were apprehended and from the possession of Arvind Kumar, a
country made pistol was recovered. The persons arrested are
said to have disclosed the name of several persons including this
petitioner, who had fled away.

Learned counsel appearing on behalf of the



petitioner has submitted that even if the case of the prosecution is taken to be true, no allegation can be said to be made out under the provisions of the Arms Act against the petitioner.

I am, *prima facie*, convinced with the said submission. This application is accordingly allowed.

Let the petitioner above named, in the event of his arrest/surrender within six weeks from today in the Court below, 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 S.D.J.M., Patna, in Digha P.S. Case No. 505 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the Police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

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