

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39997 of 2019

Arising Out of PS. Case No.-67 Year-2019 Thana- DALSINGHSARAI District- Samastipur

Ajay Kumar Mahto @ Ajay Kumar, Male, aged about 30 years, Son of Rajendra Mahto Resident of Village- Pandh Pachhiyari Tola, Ward No.- 5, P.S.- Dalsing Sarai, District- Samastipur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Alok Kumar Sinha, Adv.

For the Opposite Party/s : Mr. M.K. Nirala, APP

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

2 01-07-2019 Heard learned counsel for the petitioner and
learned counsel for the State.

In this case, the petitioner is seeking anticipatory bail in connection with Dalsingsarai P.S. Case No. 67 of 2019, registered for the offence under Sections 25(I-b) (a), 26 and 35 of the Arms Act and under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The Police has received a secret informant that some criminals are involved in smuggling of arms, whereafter one Ritesh Kumar was arrested and from his possession two loaded country made pistols, one live cartridge and one bottle of foreign liquor were recovered. Upon inquiry, said Ritesh Kumar disclosed that the supply was made by one Ajay Kumar, present



petitioner and earlier he had gone to the jail.

Learned counsel for the petitioner submits that merely on the statement of Ritesh Kumar the present petitioner has been made accused in the present case and the allegation made in the F.I.R. cannot be attributed upon the petitioner.

Looking to the nature of allegation as also the fact that the petitioner has criminal antecedent, this Court is not inclined to grant bail to the petitioner. Accordingly, the prayer for bail is rejected. However, if the petitioner surrenders before the Court below within three weeks from today and prays for regular bail, the Court below will consider the same and pass appropriate order on the same day without being influenced by the order of this Court.

(Shivaji Pandey, J)

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