

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40838 of 2019

Arising Out of PS. Case No.-52 Year-2019 Thana- GHOSI District- Jehanabad

Shivjee Prasad, son of Late Chandra Bhusan Sao, Resident of Village-
Modanganj, P.S.-Ghoshi (Okari), District-Jehanabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jogendra Kumar

For the Opposite Party/s : Mr.Anand Mohan Prasad Mehta

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 02-07-2019 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

Petitioner apprehends his arrest in connection with
Ghoshi (Okari) P.S. Case No.52 of 2019 for the offence
punishable under Sections 25(1-B)a/26 of Arms Act.

The prosecution story as per the First Information
Report is that the police got the information that own brother of
Ajay Kumar, namely Narain Kumar was throwing away his
belongings from the door and Narain Kumar is threatening his
brother with country-made pistol. The police arrived at the
house of Ajay Kumar and found that Narain Kumar was missing
and the petitioner being another brother provided the key to the
police from where police recovered country-made pistol of 3.15
bore and prepared a seizure list.



Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case by the police inasmuch as the initial version as apparent from the FIR is that Narain Kumar was throwing away belongings of his own brother, Ajay Kumar and threatened him with country-made pistol. The petitioner on the contrary provided the key to help the police and got the police access to enter in the room of Narain Kumar from where the police has recovered country-made pistol. There is no recovery from the conscious possession of this petitioner and petitioner is one of the brothers amongst 4 brothers.

After having heard learned counsel for the petitioner as well as learned counsel appearing on behalf of the State and taking into consideration the fact that there is no recovery of fire arms from the possession of the petitioner and the petitioner provided help to the police in order to recover illegal arms from the possession of Narain Kumar. As such, I am inclined to grant anticipatory bail to the petitioner.

Accordingly, the petitioner is directed to surrender before the learned Court below within a period of four weeks and in the event of surrender by the petitioner, the petitioner shall be released on anticipatory bail by the Court below upon



furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub Judge-1, Jehanabad, subject to the condition as mentioned under Section 438 (2) of Cr.P.C.

(Anil Kumar Sinha, J)

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