

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46961 of 2019

Arising Out of PS. Case No.-334 Year-2018 Thana- MUNGER MUFFASIL District- Munger

MD. SHANNO KHAN @ SHANNO KHAN, aged 41 years, Male, S/o Late Mohsin Khan @ Mosin Ahmed R/o Mohalla- Murgichak, P.S.- Kotwali, District- Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kumar Kamal Nayan, Advocate

For the Opposite Party/s : Mr.Ram Anurag Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 15-10-2019 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

The petitioner is seeking anticipatory bail in connection with G.R. No. 2824/2018 (arising out of Munger Mufassil P.S. Case No. 334/2018) registered under Sections 121/379/414/12(B)/34 of the Indian Penal Code and Section 25(1-a)/25(1-aa)/25(1-b)a/26/35 of the Arms Act and Section 39 of the Unlawful Activities (Prevention) Act, pending in the court of learned C.J.M., Munger.

Learned counsel for the petitioner submits that the petitioner is not named in the F.I.R., however in course of investigation, his name has been brought as co-accused on the basis of the confessional statement of co-accused Md.



Gulam @ Gulfam, in which this petitioner is said to be a member of the gang which was helping the co-accused Imran in supply of AK-47 Rifles. It is submitted that the petitioner has no criminal antecedent.

Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner. It is submitted that in this case the police is investigating the Inter-State gang of persons who are involved in stealing the arms and ammunitions and selling AK-47 Rifles in different parts of the State. Learned A.P.P. submits that taking into consideration the nature of allegations which is indicating towards the seriousness of the matter, only because the name of the petitioner has transpired in the statement of the co-accused and that he has no criminal antecedent he is not required to be given the benefit of anticipatory bail. This is a different case in which the police is investigating the matter and it has been found that the Army personnel posted in the south-east and their family members are also involved.

Considering the facts and circumstances of the case, deviating from the normal view which are being taken



by this court where the accused has no criminal antecedent, in the present case this court is of the view that in the nature of seriousness of the allegations and the kind of materials which have been collected in course of investigation and considering that it relates to unearthing the gang of criminals who are involved in stealing the arms and ammunitions from the ordinance factory and the statement of the A.P.P. is that it requires custodial interrogation of the petitioner, this court is not inclined to grant privilege of anticipatory bail to the petitioner.

This application is dismissed.

(Rajeev Ranjan Prasad, J)

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