

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20904 of 2020

Arising Out of PS. Case No.-45 Year-2020 Thana- DANAPUR District- Patna

Rajesh Kumar, male, aged about 22 years, son of Ravindra Yadav, resident of Village - Malti, P.S. - Asthawa, District - Nalanda, at present resident of New Police Line (Govt. Quarter), P.S. - Budha Colony, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Suraj Kumar, Advocate

For the Opposite Party/s : Mr. Pancha Nand Pandit, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 03-07-2020

The matter has been heard *via* video conferencing due to circumstances prevailing on account of the COVID-19 pandemic.

2. Heard Mr. Suraj Kumar, learned counsel for the petitioner and Mr. Pancha Nand Pandit, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

3. The petitioner is in custody in connection with Danapur P.S. Case No. 45 of 2020 dated 16.01.2020 instituted under Sections 25(1-b) (a), 26 and 35 of the Arms Act.

4. As per the allegation, a loaded country made pistol was recovered from his possession in which in the barrel there was one live cartridge and in the magazine, there were five live cartridges.



5. Learned counsel for the petitioner submitted that seizure has not been made as per the requirement of law and the petitioner has been falsely implicated. It was submitted that the petitioner having no criminal antecedent is in custody since 17.01.2020.

6. Learned APP submitted that on information received by the police that armed criminals have gathered, in the raid, the petitioner along with others was caught and from the petitioner, a loaded country made pistol with six live cartridges was recovered and from other co-accused, firearms were recovered. It was submitted that the petitioner obviously was part to a conspiracy being hatched for committing serious crime as he was armed with firearm which was loaded with six live cartridges.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to enlarge the petitioner on bail.

8. Accordingly, the application stands dismissed.

(Ahsanuddin Amanullah, J)

J. Alam/-

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