

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20920 of 2020

Arising Out of PS. Case No.-213 Year-2019 Thana- GWALPARA District- Madhepura

Rajesh @ Langra @ Vishal @ Raj Kumar @ Raj Kumar Yadav, aged about 25 years, Gender male, Son of Kusho Yadav Resident of Village - Jayram Parsi @ Jairampari, Ward No.- 03, P.S.- Gwalpara (Arar O.P.), Dist.- Madhepura
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sushil Kumar Jha, Advocate
For the Opposite Party/s : Mr. Md. Arif, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 06-07-2020

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

2. Heard Mr. Sushil Kumar Jha, learned counsel for the petitioner and Mr. Md. Arif, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

3. The petitioner is in custody in connection with Gwalpara PS Case No. 213 of 2019 dated 20.11.2019 instituted under Sections 25(1-B)(a) and 26 of the Arms Act.

4. The allegation against the petitioner is that on chase the police caught him and from his possession a loaded countrymade single barrel gun has been recovered.

5. Learned counsel for the petitioner submitted that he has been falsely implicated and no recovery has been made.



Learned counsel submitted that there was no use of the firearms recovered and nobody has been injured. It was submitted that though there are two other cases of similar nature against the petitioner, but in those also he has been falsely implicated by the police.

6. Learned APP submitted that the petitioner has been caught and from his person one loaded firearm has been recovered. It was further submitted that there cannot be any false implication for the reason that the said two cases are much prior in time and in the present case there is actual recovery which clearly proves that there is no false allegation as in the present case there is direct proof of the petitioner having committed such offence.

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, for the present.

8. Accordingly, the application stands dismissed.

(Ahsanuddin Amanullah, J)

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