

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.20946 of 2021**

Arising Out of PS. Case No.-98 Year-2020 Thana- GARDANIBAG District- Patna

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DHIRAJ KUMAR S/o Butan Prasad (Bhutan Prasad) Resident of Mohalla-
Chitkohara Bast, P.S.- Gardanibagh, District- Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Raj Dular Sah,Advocate

For the Opposite Party/s : Mr.Rajiv Nayan,APP

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 08-07-2021 Learned counsel for the petitioner undertakes to

remove all the defects pointed out by the Stamp Reporter within

four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Rajiv
Nayan, learned APP for the State.

The petitioner in the present case is seeking regular

bail in connection with Gardhanibagh P.S. case No. 98 of 2020

registered for the offences punishable under Sections 25(1-B)A,

26, 35 of the Arms Act.

As per the prosecution story in connection with

Gardhanibagh P.S. Case No. 85 of 2020, when the police

arrested one of the accused, he disclosed that he had concealed

the firearm in the house of this petitioner. When the police party

raided the house of this petitioner, they found four pistols and 23



live cartridges as also one empty cartridge from the house of this petitioner. Those were kept concealed in the kitchen room of the ground floor of the house.

Learned counsel submits that the recovery is not from conscious possession of the petitioner and as such he deserves privilege of bail, he is said to be in custody since 28.02.2020.

On the other hand, learned APP for the State submits that from perusal of the statements made in paragraph '3', it would appear that apart from this case, the petitioner has got five cases on his head and out of five cases at least three cases are under Section 302/201 and 302/120B IPC read with provisions of the Arms Act. One of the cases is under the Bihar Prohibition and Excise Act.

It is further submitted that the police raided the house of this petitioner on the basis of the confessional statement of the co-accused Md. Azad in Gardhanibagh P.S. Case No. 85 of 2020 and under Section 302/120B of the IPC and Section 27 of the Arms Act. In the said case, the co-accused Md. Azad, Imran and this petitioner made confessional statements and thereafter the recovery was made from the house of this petitioner. It is submitted that the petitioner being a habitual offender, misusing the privilege of bail for last about one decade does not deserve



privilege of bail.

Considering the facts and circumstances of the case, the huge recovery of pistols and live cartridges from the house of the petitioner and his several criminal antecedents and mostly of them are for serious and heinous offences, this Court is not inclined to release the petitioner on bail. The prayer for regular bail of the petitioner is, thus, refused.

Let the trial be expedited.

The application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

