

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28483 of 2021

Arising Out of PS. Case No.-162 Year-2020 Thana- ATHMALGOLA District- Patna

SRI ABHISHEK PANDEY Son of Manoj Pandey Resident of Gram Raimla,
P.S. - Jamania, District - Ghazipur, Uttar Pradesh.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

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

For the Opposite Party/s : Mr. Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 01-11-2021 Learned counsel for the petitioner undertakes to
remove all the defects within four weeks after start of normal
functioning of the Court.

Heard learned counsel for the petitioner and Mr. Md.
Fahimuddin, learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail
in connection with Athmalgola P.S. Case No. 162 of 2020
registered for the offences punishable under Section 25(1-b)a,
26/35 of the Arms Act. He is in custody since 08.07.2020.
Petitioner has six criminal antecedent.

Learned counsel for the petitioner submits that as per
the prosecution story, while the informant was on night
patrolling got secret information that two persons riding on
Apache motorcycle with arms going towards Bakhtiyarpur,
thereafter, the informant started vehicle checking and noticed



one Apache Motorcycle with two persons riding and they tried to flee away but they were caught and on search one country made pistol with magazine and mobile was seized from the waist of co-accused Piyush Pratap Singh and the petitioner was found in possession of one pistol in his waist and two country made pistol and four empty magazine were found in his bag.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case. It is submitted that nothing has been recovered from conscious possession of the petitioner and the petitioner is in custody since 08.07.2020.

Learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner. It is submitted that the petitioner has six criminal antecedents.

Having regard to the facts and circumstances of the case wherein it appears on perusal of the records that this petitioner was arrested with the co-accused, from his body one country made pistol and in the bag kept by him two country made pistols and four empty cartridges were recovered and further from the FIR it appears that against this petitioner in the State of Uttar Pradesh Mugalsarai P.S. Case No. 186, 2018, 187 of 2018, 182 of 2018, 165 of 2018, 300 of 2018 and Sayyedraja P.S. Case No. 110 of 2016 are registered, in the nature of the



criminal antecedents of the petitioner and that he was carrying three country made pistols, this Court is not inclined to enlarge the petitioner on bail. His prayer for bail is thus, refused.

Let the trial be expedited.

(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'.

