

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32886 of 2020

Arising Out of PS. Case No.-376 Year-2020 Thana- AGAMKUAN District- Patna

RAJNISH KUMAR Son of Bachu Singh Resident of East of Sector- 8,
Behind Tej Narayan Apartment, B.H. Colony, P.S.- Agamkuan, District-
Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajeev Kumar
For the Opposite Party/s : Mr.APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 12-03-2021 Heard both sides.

The petitioner apprehends his arrest in Agamkuan P.S.
Case No.376 of 2020 registered under Sections 25(1-b)a, 26 and
35 of the Arms Act.

The informant alleged that during the course of
checking of the vehicles, the informant saw three persons
coming on Pulsar motorcycle. Seeing the police, they started
fleeing away towards Nandlal Chapra but they met with an
accident and fell down. One person was having a bag on his
back. All the three persons fled away leaving the motorcycle
bearing registration no.BR-01EQ-3880 on the spot. The
informant further disclosed that two persons were caught riding
on the same motorcycle in default of traffic rules and they paid
the fine amount. On search, the police recovered arms and



ammunition from the bag.

The learned counsel for the petitioner submits that Ritu Ranjan Kumar is friend of his brother. The petitioner runs pollution centre near two petrol pumps. The police disclosed that occurrence took place at 11.45 a.m. at new bypass near Balaji hospital but the petitioner attached the C.C.T.V. footage of the petrol pump situated at the Ranipur Paijaba and the C.C.T.V. footage shows that petitioner was entering into his shop situated near the petrol pump at 11.22 a.m.. He remained in the shop till 1.29 p.m.. Therefore, the petitioner was not present at the place of occurrence. Although Ritu Ranjan Kumar took the motorcycle of the petitioner and from the bag of Ritu Ranjan Kumar, arms and ammunition were recovered but it appears that informant identified three persons and they were moving around on the motorcycle. Petitioner is the owner of the motorcycle and from the bag tied with the motorcycle, arms and ammunition were recovered.

Taking into consideration the facts aforesaid, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the same is rejected.

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(Prabhat Kumar Jha, J)

