

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34722 of 2020

Arising Out of PS. Case No.-105 Year-2020 Thana- LALGANJ District- Vaishali

1. Gautam Kumar, Son of Ram Nath Ray, Resident of Village-Sarariya, P.S.-Lalganj, District-Vaishali.
2. Aman Kumar, Son of Ram Nath Ray, Resident of Village-Sarariya, P.S.-Lalganj, District-Vaishali.
3. Amit Kumar, Son of Ram Nath Ray, Resident of Village-Sarariya, P.S.-Lalganj, District-Vaishali.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Arvind Kumar Sinha, Advocate
For the Opposite Party/s : Mr.Dilip Kumar No. 1, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 22-02-2021 Learned counsel for the petitioner no.3 undertakes to remove all the defects as pointed out by office within three weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner no.3 and Mr. Dilip Kumar No. 1, learned APP for the State.

The petitioner no.3 in the present case is seeking pre-arrest bail in connection with Lalganj P.S. Case No. 105 of 2020 registered for the offences punishable under Sections 25(1-B)a, 26/35 of the Arms Act.

Learned counsel for the petitioner no. 3 submits that the petitioner no. 3 has been involved in this case alleging that



he is indulged in preparation of arms and bombs and when the informant raided the house of the petitioner no. 3, recovery of two half constructed rifles have been made.

Learned counsel submits that alleged recovery has been made from a joint residential house in which the petitioner no.3 is residing with his father and two other brothers and family members.

Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner no. 3.

Having regard to the facts and circumstances of the case and the kind of seizures made from the house of the petitioner no.3 and the petitioner no.3 having criminal antecedent, though it is the submission of learned counsel for the petitioner no.3 that the house is a joint house in which the petitioner no.3 is residing with his father and two other brothers and family members, this Court is not inclined to grant privilege of anticipatory bail to the petitioner no.3, particularly after considering that he has got criminal antecedents, his prayer is, thus, refused.

In case the petitioner no.3 surrenders and prays for regular bail in the court below within four weeks from today the learned court below shall consider the submission of learned



counsel for the petitioner no. 3 as regards the recovery from the
joint house and shall take an appropriate view of the matter.

Application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

vats/-

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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'.

