

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37670 of 2020

Arising Out of PS. Case No.-296 Year-2018 Thana- KATHAIYA District- Muzaffarpur

ABHISHEK KUMAR S/o Satyadeo Singh R/o Village- Chhota Bariarpur,
P.S.- Chhatauni, P.S.- Chhatauni, District- East Champaran at Motihari

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Yashraj Bardhan

For the Opposite Party/s : Mr. Uday Chand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 22-07-2021 Heard learned counsel for the petitioner and learned APP
for the State.

Learned counsel for the petitioner is directed to remove the defect(s), as pointed out by the office, within a period of four weeks after restoration of normalcy.

The petitioner is apprehending his arrest in a case registered under Section 25(1-B)a, 25(1-AA), 26, 35 of the Arms Act.

Allegedly, a raid was conducted by the police personnel and cartridges as well as so many apparatus for preparing illegal arms were recovered.

It has been submitted on behalf of the petitioner that there is no allegation of tampering of witnesses alleged against the petitioner. The name of the petitioner has transpired in this case on the basis of disclosure made by co-accused. The alleged recovery of arms and ammunition are said to have been made from house of co-accused



Kameshwar Rai. There is no recovery of any incriminating articles from possession of the petitioner. Except for confessional statement of co-accused, there is no other substantive evidence to suggest the implication of the petitioner in the present case.

On behalf of the State, it is submitted that the petitioner is named in the Complaint Case/F.I.R. As per Section 35 of the Arms Act, there is recovery of fire-arms from constructive possession of the petitioner.

Considering the aforesaid facts and circumstances, I am not inclined to grant anticipatory bail of the petitioner. Accordingly, prayer for anticipatory bail of the petitioner in connection with Kathaiya P.S. Case No. 296 of 2018 is rejected.

If the petitioner surrenders in the court below and seeks regular bail, the same shall be considered on its own merit without being prejudiced by this order taking into account that there is no recovery of any incrimination articles from conscious possession of the petitioner.

(Sudhir Singh, J)

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