

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.38059 of 2020**

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

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1. LAL BABU RAY S/o Nagendra Rai Resident of Village-Sarariya, P.S-Lalganj, District-Vaishali.
  2. RAVINDRA RAI S/o Late Daroga Rai Resident of Village-Sarariya, P.S-Lalganj, District-Vaishali.
  3. PANKAJ RAY @ PANKAJ RAI S/o Ravindra Rai Resident of Village-Sarariya, P.S-Lalganj, District-Vaishali.
  4. PAWAN KUMAR S/o Ravindra Rai Resident of Village-Sarariya, P.S-Lalganj, District-Vaishali.
  5. RAUSHAN KUMAR S/o Surendra Rai Resident of Village-Sarariya, P.S-Lalganj, District-Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Bela Singh  
For the Opposite Party/s : Ms.Anita Kumari Singh

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**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH**  
**ORAL ORDER**

2      05-02-2021                      Heard the learned counsel for the petitioners and  
  
Ms. Anita Kumari Singh, the learned A.P.P. for the State.

This is an application for grant of anticipatory bail  
  
in connection with Lalganj PS case no. 105 of 2020 registered  
  
for the offences punishable under Sections 25(1-B)a, 26, 35 of  
  
Arms Act.

At the outset, the learned counsel for the  
  
petitioners submits that the petitioner no. 5 has already been  
  
arrested by the police, hence the learned counsel for the



petitioners does not wish to press the present petition *qua* the petitioner no. 5.

Accordingly, the present petition *qua* the petitioner no. 5 stands dismissed as not pressed.

The allegation is regarding recovery of arms from the house of the co-accused Ramnath Rai and as far as the petitioners are concerned, they are said to have fled away from the said house after the police had conducted a raid.

The learned counsel for the petitioners has submitted that the petitioners are innocent, have been falsely implicated in the present case and are having clean antecedent. The learned counsel for the petitioners has further submitted that as far as petitioners no. 1 to 4 are concerned, no arms have been recovered from their possession and illicit arms/ weapons, if any, have been recovered from the house of the co-accused Ramnath Rai, hence the petitioners are not having any complicity in the matter.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the fact that the illicit arms have not been recovered from the possession of petitioners no. 1 to 4, I deem it fit and appropriate to admit the petitioners



no. 1 to 4, to the privilege of anticipatory bail. Accordingly, the petitioners no. 1 to 4, in the event of their arrest or surrender before the court below within a period of six weeks from the date of receipt/ production of a copy of this order, are directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-IX, Vaishali in connection with Lalganj PS case no. 105 of 2020 subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

**(Mohit Kumar Shah, J)**

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