

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54105 of 2021**

Arising Out of PS. Case No.-116 Year-2020 Thana- NARAINPUR District- Bhojpur

Raj Kapur @ Raj Kumar @ Sharma Mistri S/O Late Kashi Nath Mahto R/O
Kamariya, P.S. Azimabad, District- Bhojpur

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Patanjali Rishi

For the Opposite Party/s : Mr.Anil Kumar Singh No. 1

**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER**

2 24-12-2021 Heard learned counsel for the petitioner and learned
APP for the State through virtual mode.

Learned counsel for the petitioner is directed to
remove the defects, as pointed out by the Office, within a period
of eight weeks.

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

The prosecution allegation, in short, is that 17 pistols
loaded with magazine and 17 separate magazines are recovered.

It has been submitted on behalf of the petitioner that
there is no allegation of tampering of witnesses alleged against
the petitioner. Arms are said to have been recovered from the
possession of co-accused. The name of the petitioner has
transpired on the basis of disclosure made by the co-accused.



The car in question from where arms is said to have been recovered does not belong to the petitioner. There is no recovery of arms from the possession of the petitioner. The petitioner has been made accused due to mistake of fact.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of arrest/surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned learned A.C.J.M. -VI, Bhojpur at Ara in connection with Narayanpur P.S. Case No. 116 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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