

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.2107 of 2021**

Arising Out of PS. Case No.-663 Year-2020 Thana- ARA NAWADA District- Bhojpur

SHIBU @ ARJUN KUMAR SINGH SON OF SHATRUGHAN SINGH
RESIDENT OF VILLAGE AND P.O.- MARWATIYA, P.S. - ARA
MUFFASIL, DISTRICT- BHOJPUR.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. Y.V. Giri, Sr. Advocate
	:	Mr. Sumit Kumar Jha, Advocate
For the Opposite Party/s	:	Mr. Damodar Prasad Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

5 02-07-2021 Learned senior counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard Mr. Y.V. Giri, learned senior counsel assisted by Mr. Sumit Kumar Jha, learned counsel for the petitioner and Mr. Damodar Prasad Tiwary, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Ara Nawada P.S. Case No. 663 of 2020 registered for the offences punishable under Sections 25(1-b)a/ 26/ 35 of the Arms Act. He is said to be in custody for about ten months.

As per the prosecution story the police got



information that a big deal of arms and ammunitions is likely to take place at a particular place whereupon the police party conducted a raid and in the said raid this petitioner and two others were apprehended. Two persons were able to flee away from the place of occurrence. From the possession of this petitioner a bag was seized in which the police found three pistols, 24 live cartridges and 17 empty cartridges. From possession of the two other apprehended accused, one pistol made in U.S.A. was recovered from each of them.

Learned senior counsel for the petitioner submits that the raid was conducted at about 7.15 pm on 31.08.2020 near the Surya Mandir but the seizure list has not been signed by any independent witness. It is submitted that this petitioner has got no criminal antecedent, he is said to be a student and seems to have fallen in the hand of some person who used him for this purpose. Learned senior counsel has, thus, prayed for showing some sympathy towards the petitioner and enlarge him on bail considering that the other two apprehended accused have been granted bail by learned court below.

On the other hand, Mr. Damodar Prasad Tiwari, learned A.P.P. for the State has opposed the prayer for bail of the petitioner. It is submitted that the number of pistols and live



cartridges which have been recovered and seized from the possession of the petitioner are huge and this shows that the police had correct information on which the raid was conducted. It is also submitted that it is not easy to get instant independent witness on the place of occurrence where the deal of arms and ammunitions is likely to take place as these are not the places where common people are moving and available. Learned A.P.P. thus submits that the petitioner does not deserve privilege of bail.

Having regard to the facts and circumstances of the case and on finding that huge number of pistols and live cartridges and empty cartridges have been recovered from the bag which was seized from this petitioner, the allegation is that of indulging in big deal of arms and ammunitions, this Court is not inclined to enlarge the petitioner on bail. Prayer for bail is thus refused.

Let the trial be expedited.

(Rajeev Ranjan Prasad, J)

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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'.

