

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13086 of 2021

Arising Out of PS. Case No.-265 Year-2020 Thana- BELDOUR District- Khagaria

Amit Kumar @ Kare Singh, aged about 21 years, male, S/O Buchuki Singh @ Buchhi Singh R/O Village-Pansalwa (Simana Basa), P.S.-Beldour, District-Khagaria (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Anant Kumar 1, Adv.
For the State	:	Mr. Shantanu Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

4 08-03-2022 Heard Mr. Anant Kumar 1, learned Advocate for the petitioner and Mr. Shantanu Kumar for the State.

The petitioner seeks bail in anticipation of his arrest in connection with Beldaur P.S. Case No. 265 of 2020 dated 22.09.2020 instituted for the offences under Sections 25(I-AA)/26(i)((ii)/35 of the Arms Act.

On secret information that firearms are being assembled in the hut of the petitioner and his father, a raid was conducted and many incriminating articles were recovered indicating that some process regarding assembly of firearms was being carried out in the aforesaid hut.

Hence the prosecution of the petitioner.

Learned counsel for the petitioner has submitted that the land over which the hut is situated does not belong to either



the petitioner or his father or to anyone in his family. There may have been some recovery from the aforesaid hut but, it cannot be saddled upon the petitioner or his father. It has further been submitted that the father of the petitioner also was made accused in this case and after remaining in jail for some time, he has been granted bail by the High Court.

Considering the nature of accusation against the petitioner, I am not inclined to grant anticipatory bail to him.

Accordingly, the prayer for anticipatory bail of the petitioner is rejected.

If the petitioner surrenders before the court below and seeks bail, his application shall be considered on its own merits taking into account that other co-accused namely his father has been granted regular bail and that the petitioner is an young person of 21 years who is prosecuting his study and that he does not have any criminal antecedent and shall pass orders in accordance with law without being prejudiced by the facts that the present petition on his behalf has not been entertained by this Court.

(Ashutosh Kumar, J)

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