

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33367 of 2021

Arising Out of PS. Case No.-438 Year-2020 Thana- SAHPUR District- Bhojpur

ROHIT TIWARY S/o- SANJAY TIWARY Resident of Village- Gosaipur,
P.S.- Shahpur, District- Bhojpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Tej Pratap Singh, Adv.

For the Opposite Party/s : Mr.Zainul Abedin, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 28-01-2022 Heard the parties through virtual Court proceedings.

Learned counsel for the petitioner undertakes to remove the defects within four weeks of resumption of normal court proceedings. In the eventuality of non-removal of defects within stipulated period, office will place the matter before the Bench.

Petitioner apprehends his arrest in a case in connection with Shahpur P.S. Case No.438/2020, registered for the offence punishable under Sections 25(1-b)a/26, 35 of the Arms Act.

The crux of the prosecution case is that one accused was apprehended by the police and on search, 15 live cartridges were recovered. It is alleged that he disclosed the name of his associates including the petitioner, who are involved in illegal trade of arms.

It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. He has been falsely implicated in this case on the basis of the statement of



the apprehended accused. The allegation leveled against the petitioner is not specific rather general and omnibus in nature. Neither the petitioner has been apprehended on the spot nor any incriminating article has been recovered from his conscious physical possession. The petitioner has no concern with the seized arms and is not involved in any illegal trade of fire arms. Petitioner has no criminal antecedent, as also mentioned in para-3 of this application.

Learned APP for the State opposed the prayer for bail by submitting that petitioner is involved in present case and is a member of the gang who supply arms to other States also.

Having regard to the facts and circumstances of the case, I am not inclined to grant the privilege of anticipatory bail to the petitioner named above.

The instant application is dismissed.

However, petitioner is directed to surrender before the learned Court below within six weeks from today and seek regular bail and the learned Court below would pass the order, preferably, on the same day, in accordance with law.

(Anjani Kumar Sharan, J)

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