

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47149 of 2021

Arising Out of PS. Case No.-417 Year-2018 Thana- SARAIYA District- Muzaffarpur

Rajesh Ray Son Of Pannalal Ray @ Kannalal Ray Resident Of Village -
Damodar Chhapra, P.S.- Saraiya, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raju Kumar

For the Opposite Party/s : Mr.Nagendra Prasad

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 22-04-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioner undertakes to remove the defects within three weeks. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioner is apprehending his arrest in a case registered for the offence punishable under Sections 399, 402/34 of the Indian Penal Code and Sections 25(1-b)a, 26 and 35 of the Arms Act.

On secret information that 7-8 miscreants having arms has been planning to commit crime, a raid was conducted but after seeing the police upon two motorcycles, three miscreants succeeded to flee away and rest were apprehended by the police. Apprehended persons disclosed the name of the petitioner. On search, arms and ammunitions were recovered from



apprehended persons.

It is submitted by learned counsel for the petitioner that petitioner is innocent and has been falsely implicated in this case. He submits that no incriminating article or arms has been recovered from the possession of the petitioner, hence, Arms Act is not attracted against the petitioner. He submits that petitioner has been made accused on the basis of statement of co-accused. He further submits that petitioner has no criminal antecedent as stated in para-3 of this application.

Learned APP for the State opposed the prayer for bail.

Considering the facts and circumstances of the case, I am not inclined to enlarge the petitioner on bail. Accordingly, his prayer for anticipatory bail is rejected in connection with Saraiya P.S. Case No. 417 of 2018.

However, if the petitioner surrenders before the learned court below within a period of six weeks from today and prays for regular bail, the same shall be considered by the learned court below on the same day.

(Anjani Kumar Sharan, J)

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