

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46634 of 2021

Arising Out of PS. Case No.-263 Year-2021 Thana- SIWAN CITY District- Siwan

HIMANSHU KUMAR S/O ARBIND SINGH @ ARBIND KUMAR SINGH
R/o village- Dhanauti, P.S.- Dhanauti, O.P. and District- Siwan

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gajendra Kumar Singh, Adv.

For the Opposite Party/s : Mr.Pawan Kumar Chaurasia, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 22-04-2022 Heard learned counsel for the petitioner and learned APP
for the State 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.

The petitioner apprehends his arrest in connection with Siwan Town P.S. Case No.263 of 2021, registered for the offence punishable under Sections 25(1-B)a, 26 and 35 of the Arms Act.

Allegedly there is a recovery of one country made pistol and four live cartridges from the possession of one Devraj Kumar Yadav @ Mukesh and on his statement, the name of petitioner transpired in the case as the person who fled away on seeing the police.



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. Petitioner has no concern either with the seized arms or has any trade of arms. There is no recovery from the conscious physical possession of the petitioner. On the confessional statement of the co-accused, the petitioner has been made accused in this case. Petitioner has no criminal antecedent.

Learned APP for the State opposed the prayer for anticipatory bail.

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 prayer for grant of anticipatory bail to the petitioner is rejected.

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

This application is accordingly dismissed.

(Anjani Kumar Sharan, J)

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