

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54429 of 2021**

Arising Out of PS. Case No.-753 Year-2020 Thana- KHAGARIA District- Khagaria

RAVISH KUMAR SON OF CHHEDI YADAV RESIDENT OF WARD NO
14, JANGALI TOLA RAHIMPUR, P.S- MUFSIL, DIST- KHAGARIA
(BIHAR)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Sinha, Advocate

For the Opposite Party/s : Mr. Nityanand, APP

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

2 28-06-2022 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 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 a case registered
for the offence punishable under sections 25(1-b)/26/35 of
Arms Act.

Allegedly, three country made pistol and 20 live
cartridges were recovered from a motorcycle and it is alleged
that petitioner and one other accused person on seeing the police
fled away from the spot.



It is submitted by learned counsel for the petitioner that petitioner is quite innocent and have committed no offence. He has been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. The allegation leveled against the petitioner is not specific rather general and omnibus in nature. There is a delay of more than 10 hours in lodging the FIR creates doubt about the prosecution case. There is no recovery from the conscious physical possession of the petitioner. Petitioner has no criminal antecedent.

Learned APP for the State opposed the prayer for anticipatory bail by submitting that the petitioner has accepted that the motorcycle from which recovery has been made belongs to him.

Having regard to the facts and circumstances of the case, since, the motorcycle belongs to the petitioner, I am not inclined to enlarge the petitioner named above on bail. The prayer for grant of anticipatory bail on behalf of the petitioner is rejected.

This instant application is dismissed.

(Anjani Kumar Sharan, J)

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