

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61071 of 2021

Arising Out of PS. Case No.-192 Year-2021 Thana- AIRPORT District- Patna

Mukesh Kumar Shah @ Mukesh Kumar Son Of Ram Chandra Prasad R/O
Village- Piprawajid, P.S.- Dhaka, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Usha Kumari Singh, Advocate

For the Opposite Party/s : Mr.Nitya Nand Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 24-02-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Learned Counsel for the petitioner is directed to
remove the defect(s), as pointed out by the office, within a
period of four weeks.

The petitioner is apprehending his arrest in connection
with Hawaii Adda P.S. case No.192 of 2021 registered under
Sections 25(1-b)a/26 of the Arms Act, pending in the court of
A.C.J.M. XI, Patna.

Prosecution case, in short, is that the petitioner was
travelling from Patna to Delhi by flight. During screening of
hand bag, one magazine of pistol was found in his hand bag.

It has been submitted on behalf of the petitioner that
the petitioner has got no criminal antecedent. There is no



allegation of tampering of witnesses alleged against the petitioner. The petitioner has been made accused due to mistake of fact. The recovery of magazine while travelling in the flight is denied by the petitioner. It has further been submitted that the petitioner has been granted benefit under Section 41(1) of Cr.P.C. and he has not misused the same.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R. From perusal of the case diary, it is evident that the magazine of fire arm was recovered from the hand bag of the petitioner at the Patna Airport. It is a serious matter of concern and in such circumstances, the petitioner cannot be given privilege of anticipatory bail.

Considering the aforesaid facts and circumstances, I am not inclined to grant anticipatory bail to the petitioner. The same is rejected.

If the petitioner surrenders before the court below and prays for regular bail, same shall be considered on its own merit without being prejudiced by this order.

(Sudhir Singh, J)

Narendra/-

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