

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4432 of 2023

Arising Out of PS. Case No.-193 Year-2022 Thana- KADWA District- Katihar

ARJUN SAH @ ARJUN KUMAR S/O LATE AJAY KUMAR SAH @ LATE
FAGU SAH R/v- Ramnagar, Hansda Road, Gulabbagh, P.S.- Sadar, District-
Purnea

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sushil Kumar Jha, Adv.

For the Opposite Party/s : Mr.Arun Kumar Singh, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 06-04-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in a case registered
for the offences punishable under Sections 25(1-b)a/26/35 of
the Arms Act.

The prosecution case, in brief, is that on 06.07.2022, the
informant along with other police personnel were on patrolling
duty, during that course, on the basis of information, they
reached at one brick-kiln, situated in village Sangheli. In the
meantime, three persons fled away from the spot. On search,
one country made gun along with cartridge have been recovered
from the house of the petitioner.

It is submitted by learned counsel for the petitioner that
petitioner is quite innocent and has committed no offence. No
incriminating article has been recovered from the conscious



physical possession of the petitioner. Petitioner has no concern with the present case. He has been falsely implicated in this case due to ulterior motive. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. There is no evidence against the petitioner in entire case diary. He was not apprehended on the spot. His name has been transpired in this case on the statement of the villagers. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

Learned APP for the State opposed the prayer for bail and submitted that a country made gun along with cartridge have been recovered from the house of the petitioner.

Considering the facts and circumstances of case, I am not inclined to enlarge the petitioner on bail. The prayer for bail of the petitioner is hereby rejected. However, if the petitioner surrenders before the learned Court below within six weeks from today and seeks regular bail, the learned Court below shall pass order in accordance with law without being prejudiced by this order on the very date of surrender.

(Anjani Kumar Sharan, J)

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