

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7967 of 2023

Arising Out of PS. Case No.-437 Year-2022 Thana- MALSALAMI District- Patna

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Lallan Rai @ Lal @ Lalan Kumar, Male, aged about 62 years, S/O-
Harinandan Rai, Resident Of Village/Mohalla- Bundel Toli, Pani Tanki,
Police Station- Malsalami, Patna City, Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Jharkhandi Upadhyay
For the Opposite Party : Mr. Khurshid Anwar

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 29-04-2023 Heard learned counsel for the petitioner and

learned A.P.P. for the State.

The petitioner is apprehending his arrest in
connection with Malsalami P.S. Case No. 437 of 2022 for
the offence registered under Sections 25(1-b)a, 26, 35 of the
Arms Act and Section 30(a) of the Bihar Prohibition and
Excise (Amendment) Act, 2018.

The prosecution story, in brief, is that four pistols
alongwith 28 live cartridges, one empty magazine and 750
ML wine are said to have been recovered from the joint
house of the petitioner.

It has been submitted by learned counsel for the



petitioner that the petitioner has falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. It is alleged that four pistols alongwith 28 live cartrdiges, one empty magazine and 750 ML wine are recovered from the joint house of the petitioner. The petitioner is named in the F.I.R. The name of the petitioner has transpired in the present case as the alleged recovery is made from the joint house of the petitioner. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. Nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner had no knowledge regarding the alleged incident. There is no compliance of Section 100 Cr. P.C. Learned counsel for the petitioner has placed reliance upon the order dated 13.04.2022 passed by the Hon'ble Supreme Court in *Criminal Appeal No. 626 of 2022, arising out of SLP (Crl.) No. 3005 of 2022 (Sweta Kumari-Versus-The State of Bihar)*.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R/ Complaint Case.



Considering the aforesaid facts and circumstances, the petitioner, above named, in the event of arrest/surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of the learned Special Judge Excise Act, Patna City, in connection with Malsalami P.S. Case No. 437 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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