

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23367 of 2023

Arising Out of PS. Case No.-78 Year-2019 Thana- VAISHALI District- Vaishali

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DHARAM RAI @ DHARAM NATH KUMAR S/O- RAM BALAM RAY
RESIDENT OF VILLAGE-GORIGAMA PS-MAHUA DISTT- VAISHALI
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Pranav Kumar, Advocate Mr. Rajeev Ranjan No.II, Advocate Ms. Priyanka Kumar, Advocate
For the Opposite Party/s :		Mr. Sanjay Kumar Sharma, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 13-07-2023 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

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

3. Learned counsel for the petitioner submits that the
petitioner has antecedent of one case, but then the said
antecedent also arises from the same occurrence for which the
present F.I.R. has been instituted. It is next submitted that the
allegation is of recovery of a country made pistol along with one
live cartridge from Vivek Kumar and one country made pistol
along with two live cartridges from Rinku Paswan.

4. Learned counsel for the petitioner submits that the
petitioner was not apprehended from the spot, as such nothing
was recovered from his conscious possession and he came to be



implicated based on confessional statement of Vivek and Rinku in police custody which does not have any evidentiary value. It is further submitted that the petitioner, prior to institution of the present case, was a person with clean antecedent.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Vaishali P.S. Case No. 78 of 2019 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. One of the bailors of the petitioner shall be his father namely Ram Balam Ray.

(Satyavrat Verma, J)

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