

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33480 of 2022

Arising Out of PS. Case No.-124 Year-2022 Thana- RAMGARH District- Kaimur (Bhabua)

Sushil Upadhyay @ Hanuman Upadhyay Son Of Late Chandra Shekhar
Upadhyay R/O Village- Darwan, P.S.- Ramgarh, District- Kaimur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashutosh Tripathy, Advocate
For the Opposite Party/s : Mr. Nawal Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 14-02-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Learned counsel for the petitioner undertakes to
remove the defect(s), as pointed out by the office, within four
weeks.

The petitioner apprehends his arrest in Ramgarh P.S.
Case No. 124 of 2022 registered for the offences punishable
under Sections 25(1-b)a, 26 of the Indian Penal Code pending in
the Court of learned C.J.M. Kaimur at Bhabua.

As per prosecution case, on receiving information
from the wife of the petitioner about possession of an illegal
country made pistol by the petitioner the police conducted a raid
in the house of the petitioner and recovered country made pistol
from the house of the petitioner in presence of the seizure list



witnesses.

It is submitted by learned counsel for the petitioner that no such occurrence as alleged ever took place. He has been falsely implicated in this case. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. He submits that the petitioner has falsely been implicated at the instance of his own wife with whom the relation of the petitioner is not cordial, however, the wife of the petitioner is living in the same house but no action has been taken against her and in fact, it is the wife of the petitioner who planted the country made pistol and implicated the petitioner. He also submits that the petitioner has one criminal antecedent as mentioned in para 3 of the bail application.

Learned APP for the State vehemently opposing the bail petition submitted that the country made pistol was recovered from the house of the petitioner. Hence, he does not deserve privilege of anticipatory bail.

Considering the facts and circumstances of case and the nature of the offence and perusal of the case diary, I am not inclined to enlarge the petitioner on anticipatory bail. The prayer for anticipatory bail of the petitioner is hereby rejected.



However, if the petitioner surrenders before the learned Court below within six weeks from today and seek regular bail and the learned Court below would pass order on the same day in accordance with law without being prejudiced by this order.

(Anjani Kumar Sharan, J)

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