

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37365 of 2023

Arising Out of PS. Case No.-1242 Year-2022 Thana- BIHTA District- Patna

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Ajit Kumar Son Of Late Niranjan Yadav Resident Of Village - Maudahi, P.S. -
Bihta, District - Patna

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gopal Kumar, Advocate

For the Opposite Party/s : Mr. Anand Kishore Choudhary, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 26-07-2023 Heard Mr. Gopal Kumar, learned counsel appearing
on behalf of the petitioner and the learned APP for the State.

2. The petitioner apprehends his arrest in connection
with Bihta P.S. Case No. 1242 of 2022 registered for the offence
punishable under Sections 25(1-b)A/26/35 of the Arms Act.

3. It is alleged that on a tip of secret information, the
house of the petitioner and co-accused 'Mukesh Singh' was
raided and in course of search, one revolver made in Austria,
283 live cartridges and cash of more than Rs. 2,00,000/- were
recovered.

4. Learned counsel appearing on behalf of the
petitioner submits that the alleged recovery has been made from
the joint family house where several persons reside and the
petitioner cannot be held responsible for the same. He next



submits that the petitioner has no concern with the co-accused ‘Mukesh Singh’, however, only in order to implicate him, his name has been added with co-accused. He next submits that the petitioner has absolutely clean antecedent and there is serious infirmities in the search and seizure, apart from the fact that there is no signature of any of the family members on the seizure list.

5. On the other hand, learned APP for the State vehemently opposes the pre-arrest bail application and submits that a huge quantity of arms and ammunitions has been recovered.

6. Regard being had to the submissions made on behalf of the parties and considering the nature of recovery from the house of the petitioner, the prayer for anticipatory bail of the petitioner is hereby rejected.

(Harish Kumar, J)

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