

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53975 of 2018

Arising Out of PS. Case No.-143 Year-2017 Thana- TEKARI District- Gaya

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Lokesh Sharma Son of Ramashray Singh, Resident of Village- Parshawan,
P.S.- Konch, District- Gaya.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dr. Anjani Pd. Singh
For the Opposite Party/s : Mr.Sri Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

7 03-05-2023 Heard learned counsel for the parties.

The present application has been filed for quashing the order dated 06.08.2018 passed by learned Court of Exclusive Special Judge SC/ST Gaya by which he has refused to release the Revolver No.F4- 15714 of bearing Arms License No. 3830/A/DMP/07 seized by the Tekari Police.

The prosecution case in brief is that one Munna Chaudhary lodged a written report on 11.04.2017 at 10.00 A.M. stating therein inter alia that on the fate-ful day 1. Lokesh Sharma, 2. Vikky Sharma 3. Sanjay Singh, 4. Pawan Singh, 5. Akhilesh Singh, 6. Munni Yadav, 7. Anant Dwivedi and 15-20 unknown persons have came to dig sand in Morhar river, at that time, the police Sub-inspector Devi Singh and other police personnels were there, he and his brother namely Dilip Chaudhary and Rakesh Kumar and others 15-20 co-villagers



have stopped to taken away the sand upon which they became aggressive and started discriminate firing upon which the pillet injured the leg of Dilip Chaudhary and Rakesh Chaudhary.

It has been submitted by the learned counsel for the petitioner that the impugned order is illegal in light of the law laid down by the Hon'ble Supreme Court in the case of ***Sunderbhai Ambalal Desai vs. State of Gujrat (2002) 10 SCC 283.***

Learned counsel for the petitioner also submits that his application has been rejected and one of the grounds is that the arms license is in the process of cancellation but he has submitted that the arms license has been renewed and it is valid till 2024.

Learned counsel for the State has opposed the application of the petitioner.

In view of the law laid down by the Hon'ble Supreme Court in the case of ***Sunderbhai Ambalal Desai vs. State of Gujrat (2002) 10 SCC 283***, this application is allowed.

The Revolver is directed to be released in favour of the petitioner on furnishing surety of Rs. 1 lakh.

Before releasing the revolver, the Court below will get itself satisfied as to the validity of the arms license.



With the aforesaid observations and directions, this application is allowed.

(Sandeep Kumar, J)

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