

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53206 of 2023

Arising Out of PS. Case No.-133 Year-2010 Thana- KARAHGAR District- Rohtas

Brij Bhushan Lal @ Chilar Lal Son Of Late Chandrika Lal R/O-Dhangua,
P.S.-Kargahar, Distt.-Rohtas.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jitendra Kumar Giri, Advocate

For the Opposite Party/s : Mr.Raj Kishor Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 19-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. In this case, the petitioner is apprehending his arrest in connection with Kargahar P.S. Case No. 133 of 2010 registered on 13.07.2010 for the alleged offences under Sections 25(1-B) A/26 of the Arms Act and U/S 414 of the Indian Penal Code.

3. As per prosecution case, police received secret information about a person carrying illegal weapon and the said person was apprehended with a loaded country-made *katta* and live cartridges. The apprehended co-accused disclosed the names of another co-accused Kallu Miyan and petitioner as associates and further disclosed that they have kept a stolen



motorcycle in the house of the petitioner. Thereafter, a raid was conducted in the house of the petitioner and a stolen motorcycle was recovered from the house of the petitioner.

4. Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. The recovery has been made in the absence of the petitioner as the petitioner was outside the State for earning his livelihood. Motorcycle was kept inside the premise of the petitioner without his knowledge and consent. The name of the petitioner has not been mentioned in the seizure list. Moreover, the name of the petitioner came up in this case on the basis of confessional statement of co-accused Nausad Khan and Kallu Miyan and both of them have been granted bail by this Court vide order dated 22.09.2010 in Cr. Misc. No. 34468/2010 and order dated 03.08.2011 passed in Cr. Misc. No. 24858/2011, respectively.

5. Learned APP opposes the submission made on behalf of the petitioner. Learned APP further submits that the name of the petitioner came up in the FIR itself and recovery of a stolen motorcycle has been made and this fact is clear from the seizure list where the place of recovery has been mentioned as locked room of the house of the petitioner.



6. Having regard to facts and circumstances and submission made on behalf of the parties and considering the fact that recovery has been made from the locked room of the house of the petitioner and also considering the seriousness of nature of allegation against the petitioner, I do not think it is a fit case for grant of anticipatory bail.

7. Hence, his prayer for anticipatory bail is rejected.

8. However, if the petitioner surrenders before the learned court below and seeks regular bail, the prayer will be considered and disposed of in accordance with law by the learned court below without getting prejudiced by the order of this Court.

(Arun Kumar Jha, J)

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