

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61252 of 2023

Arising Out of PS. Case No.-246 Year-2023 Thana- MAJHAULIA District- West Champaran

SATISH DUBEY @ SATISH KUMAR DUBEY SON OF BINOD DUBEY
RESIDENT OF VILLAGE - JAGARNATHPUR, POLICE STATION -
GOPALPUR, DISTRICT - WEST CHAMPARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brij Kishor Mishra, Advocate

For the Opposite Party/s : Mr. Aditya Narayan Singh.1, Advocate

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 16-10-2023 1. Heard learned Counsel for the petitioner and
learned Additional Public Prosecutor for the State.

2. The petitioner seeks anticipatory bail in connection with Majhauria P.S. Case No. 246 of 2023, disclosing offences under Sections 399, 402 of the Indian Penal Code, Sections 25(1-B)a, 26, 35 of the Arms Act and Sections 8 and 20 of the N.D.P.S. Act.

3. As per the First Information Report, informant along with other police personnel, on patrolling, got the information that some veteran criminals along with four to five accomplices were making preparation for committing serious offence and thereafter, the police party proceeded



towards the place of occurrence and found that four to five persons were standing along with the motorcycle and on seeing the police force, they started fleeing away with the motorcycle but one of them was apprehended by the police party who disclosed his name as Saif Ali. Upon search, the police recovered country-made loaded pistol and two live cartridges from his possession. one motorcycle, two kilograms of charas from the possession of the arrested person. The arrested co-accused disclosed the name of the petitioner and others as his companion.

4. Learned counsel for the petitioner submits that the recovery of charas has not been made from the possession of the petitioner and no incriminating material has been recovered from the petitioner. He further submits that except the criminal antecedent, there is no material against the petitioner which connects him to the present occurrence.

5. Having regard to the submissions made on behalf of the parties and taking into consideration the fact that the petitioner is having criminal antecedent and on the raid made by the police, the police has recovered two



kilograms of charas, one loaded pistol, live cartridges from the possession of the co-accused, I am not inclined to grant the privilege of anticipatory bail to the petitioner.

6. The application is, accordingly, rejected.

(Anil Kumar Sinha, J)

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