

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67085 of 2022

Arising Out of PS. Case No.-360 Year-2022 Thana- RAHUI District- Nalanda

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KARU PRASAD @ RAJESH KUMAR SON OF KEDAR PRASAD @
KAMESHWAR PRASAD R/O VILL.- PITAUIYA, P.S.- RAHUI, DISTT.-
NALANDA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raj Kishor Prasad, Advocate
For the Opposite Party/s : Mr. Dashrath Mehta, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 22-05-2023 Heard learned counsel appearing on behalf of the parties.

The accused/petitioner is named in the F.I.R. and apprehend his arrest in connection with Rahui P.S. Case No. 360 of 2022 registered for the offences punishable under Sections 25(1b)a, 26 and 35 of the Arms Act.

The allegation against the petitioner is to have in possession of two country made pistols along with one live cartridge, which alleged to recovered from his office of brick-kiln.

Learned counsel appearing on behalf of the petitioner submitted that recovery of two country made pistol along with



one live cartridge not appears to be made from possession of the petitioner. It is submitted that the seizure list is also not supported by independent witness, rather supported by local *Chaukidar* and as petitioner found running away seeing police party, out of said suspicion petitioner was named in the present case. While concluding the argument, it is submitted that petitioner is a man of clean antecedent.

Learned APP appearing for the State, while opposing the prayer of bail, submitted that petitioner is owner of the said brick-kiln and as per FIR the recovery of two country made pistol along with one live cartridge recovered from his office. It is also submitted that petitioner was arrested on spot, while running away.

In view of the submissions, as made above, as recovery of two country made pistols along with one live cartridge were made from office of the petitioner, who apprehend by police party, while running away from place of occurrence, this Court is not inclined to grant bail to the petitioner.

Accordingly, the prayer of anticipatory bail of the petitioner is rejected herewith.

However, on surrender, learned Court below is



directed to consider the prayer of regular bail of this petitioner
on its own merit without being prejudiced by present order.

(Chandra Shekhar Jha, J)

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