

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70033 of 2022

Arising Out of PS. Case No.-254 Year-2022 Thana- GAURICHAK District- Patna

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Prem Chand Mahto @ Prem Chand Kumar S/O Basudeo Mahto R/O Village-
Usfa, P.S.- Gaurichak, Distt- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Y. C. Verma, Sr. Adv.

Mr. Ashok Kumar, Adv.

For the Opposite Party/s : Mrs. Anita Kumari

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 09-05-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner is apprehending his arrest in a case registered for the offence punishable under Sections 384, 387, 386, 34 of the Indian Penal Code and Section (1-b)a/26/35 of the Arms Act.

As per FIR, all the accused persons including the petitioner were involved in keeping and supplying of fire arms and further it has been alleged that all of them also used to ask ransom for illegal possession of land.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. He submits that the father of the petitioner has filed a complaint case bearing Complaint Case No. 573 of 2022 before the court of the A.C.J.M., Civil Court, Patna City against the informant of Gaurichak P.S. Case No. 254 of 2022 alleging



therein that the informant had wanted to purchase land of Prem Chand Mahto at lower cost than the market value which was denied and as a vengeance thereof, the informant has fixed the family of petitioner in false case. He further submits that petitioner has no criminal antecedent as stated in para-3 of this application.

Learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances of the case and the fact that the illegal arms have been recovered from the house of the petitioner, I am not inclined to enlarge the petitioner on bail. Accordingly, his prayer for anticipatory bail is rejected in connection with Gaurichak P.S. Case No. 254 of 2022.

However, if the petitioner surrenders before the learned court below within a period of six weeks from today and prays for regular bail, the same shall be considered by the learned court below on the same day without being prejudiced by this order considering the fact that no arms have been recovered from the possession of the petitioner.

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(Anjani Kumar Sharan, J)

