

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22921 of 2024

Arising Out of PS. Case No.-154 Year-2023 Thana- BARIYARPUR District- Munger

Preetam Kumar, about 38 years, gender-male, Son of Shivnandan Mandal,
resident of Village Bajrangwali Nagar, P.S. Naya Ram Nagar, District
Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kumar Kamal Nayan, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Pandey, APP

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

3 06-09-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in a case
registered for the offence punishable under Sections 25(1-b)a,
26(i)(ii) and 35 of the Arms Act.

3. As per allegation in the FIR, four country made
pistols and mobile sets were recovered from the bag of co-
accused Raj Kumar and also four empty magazines of pistol and
mobile set have been recovered from the possession of co-
accused Sohan Kumar and they disclosed that the petitioner
purchased the pistol from co-accused Sarvin Mandal.

4. Learned counsel for the petitioner submits that the
petitioner has falsely been implicated in this case. He next



submits that from perusal of the FIR, it appears that neither the petitioner has been apprehended on the spot nor any arms have been recovered from his possession, even though, no one has come forward to say that the petitioner is a person who had seen fleeing away from the place of the occurrence. Main accused person has already been granted regular bail from co-ordinate bench in Cr. Misc. 83933 of 2023. Petitioner has got clean antecedent as stated in para-3 of the petition.

5. Learned APP for the State opposes the prayer for anticipatory bail of the petitioner.

6. On perusal of the first information report, seizure list and impugned order dated 06.12.2023, it appears that the name of the petitioner surfaced from the confessional statement of the co-accused persons and no incriminating articles have been recovered from the possession of the petitioner and petitioner has got clean antecedent, so in my view, this is a fit case to grant of anticipatory bail to the above named petitioner.

7. Accordingly, let the above named petitioner be released on anticipatory bail in the event of his arrest or surrender before the court below within a period of six week from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the



satisfaction of learned Judicial Magistrate 1st Class, Munger in connection with Bariyarpur P.S. Case No. 154 of 2023, subject to the conditions as laid down under Section 438 (2) of Cr.P.C.

(Ramesh Chand Malviya, J)

Brajesh Kumar/-

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