

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.32878 of 2024**

Arising Out of PS. Case No.-1361 Year-2022 Thana- BIHTA District- Patna

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Gautam Rai Son of Govardhan Rai Resident of Village- Harshyam Chak, P.S-  
Akilpur, Dist - Saran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Parashuram Singh

For the Opposite Party/s : Dr. Ajeet Kumar

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**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR**  
**ORAL ORDER**

2      28-05-2024                      Heard learned counsel appearing on behalf of the  
  
petitioner and learned Additional Public Prosecutor for the  
  
State.

2. The petitioner apprehends his arrest in connection  
with Bihta P.S. Case No. 1361 of 2022, registered for the  
offences punishable under Sections 25(1-B)a/26/35 of the Arms  
Act.

3. The police on a secret information that the FIR  
named accused person namely, Shambhu Rai, who is accused in  
Bihta P.S. Case No. 999 of 2022, has been residing in the house  
of co-accused Birendra Rai @ Gopalji (Member of Panchayat  
Samiti, Panapur Diyara) conducted raid and apprehended the  
co-accused Shambhu Rai. The apprehended co-accused  
Shambhu Rai disclosed the factum of concealment of arms and



ammunition; whereupon the police unearthed the arms and ammunition. It is further alleged that the apprehended person disclosed that his brother namely, Gautam Rai (petitioner) has also assisted in concealing the arms and ammunition.

4. Learned Advocate for the petitioner referring to the narrations made in the FIR contended that there is no allegation save and except that the petitioner has assisted in concealing the arms and ammunition. However, the alleged recovery has been made on the disclosure made by co-accused Shambhu Rai from an open place near the bank of the river. The petitioner is neither the owner of the said land nor he is anyway connected with the arms and ammunition, however, only on account of the past criminal antecedent, his name has been implicated in this case, is the contention of the learned Advocate for the petitioner. It is also contended that now the investigation has already been completed and the charge-sheet has been submitted though even as per the allegation, no case is made out under the Arms Act against the petitioner.

5. On the other hand, learned counsel for the State opposes the bail application and submits that the petitioner bears two criminal antecedents.

6. Regard being had to the submissions made on



behalf of the parties and considering the nature of allegation and the fact that nothing has been recovered from the whereabouts of the petitioner and there is no ingredient, *prima facie*, constituting any offence under the Arms Act as alleged in the FIR, let the petitioner abovenamed be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM-I, Danapur, Patna in connection with Bihta P.S. Case No. 1361 of 2022, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

Anjani/-

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