

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38054 of 2024

Arising Out of PS. Case No.-195 Year-2023 Thana- PAKRIDAYAL District- East Champaran

Pawan Kumar Son Of Hari Shankar Bhagat Resident Of Village - Barapakar,
P.S. - Madhuban, District - East Champaran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vikash Kumar Pankaj, Advocate

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

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

ORAL ORDER

2 16-07-2024 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 and 35 of the Arms Act.

3. As per allegation in the FIR, during patrolling duty by the police party, one motorcycle coming from Madhuban in high speed, the informant and police team tried to caught him but due to high speed, they met accident and one of them got injured and rest two persons succeed to flee away and on search one country made pistol was recovered from the possession of apprehended person.

4. Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case and nothing has been recovered from the possession of the petitioner and he is not acquainted with any of the co-accused persons, namely, Keshav Kumar nor Ranjan Kumar.

5. Learned APP for the State opposes the prayer for



anticipatory bail of the petitioner and submits that if granting anticipatory bail to the petitioner, then the investigation will be affected.

6. On perusal of the first information report and impugned order dated 04.04.2024, it appears that petitioner is named in the FIR, the petitioner is also accused of Madhuban P.S. Case No. 484 of 2023 under Sections 399 and 402 of the IPC and Sections 25(1-b)a, 26 & 35 of Arms Act and the alleged arms were recovered from the possession of petitioner and co-accused and the investigation is going on, considering which, I am not inclined to grant anticipatory bail to the petitioner.

7. Prayer for anticipatory of the petitioner is hereby rejected.

8. However, the petitioner is directed to surrender before the trial Court within a period of one month from the date of receipt of a copy of this order and pray for regular bail and consider his regular bail of the petitioner without being prejudiced by this order.

(Ramesh Chand Malviya, J)

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