

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39227 of 2024

Arising Out of PS. Case No.-271 Year-2023 Thana- PALASI District- Araria

Sabir @ Sabbeer Ansari Son Of Sahim Ansari @ Saihman Village-
Kankhudiya Ward No. 02, Ps- Palasi, Dist- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Madhav Jha, Advocate

For the Opposite Party/s : Mr. Dr. Indihar Kumari, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 03-07-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with Palasi P.S. Case No. 271 of 2023 dated 27.08.2023, instituted for the offence punishable under Sections 25(1-B)a, 25(1-AA), 25(1-A), 26(1)(2), 35 of the Arms Act, 1959.

3. The prosecution case, in short, is that on account of viral video of a person with pistol, the informant alongwith police force reached Kaliaganj market where chowkidar has got information regarding one Arman being the person in viral video with pistol. Thereafter, the informant and other police personnel raided the house of Arman, who was found absconded from his house. Thereafter, the informant and other police personnel proceeded to village Sohagpur where one chowkidar



has identified the co-accused Akshay Kr. Mandal as a person in viral video with country made pistol then informant raided the house of Akshay Kr. Mandal and caught him. On interrogation, Akshay Kr. Mandal has confessed his guilt that one month ago he alongwith Dhiraj Yadav had got shot a photo with country made pistol of one Sabbir (petitioner) and upon search of Akshay Kr. Mandal, the informant recovered and seized a mobile having his photograph holding a pistol in his hand. Accordingly, the co-accused Akshay Kr. Mandal was arrested. Subsequently, on the basis of disclosure made by Akshay Kr. Mandal, the informant raided the house of owner of the alleged country made pistol, Md. Sabir, who was also found absconding from his house and on search, the informant recovered two live cartridges, air gun as well as equipment and tools for making fire arms.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. It is further submitted that petitioner has been made accused in this case on account of viral photographs and on the basis of confessional statement of co-accused Akshay Kr. Mandal who disclosed that the said country made pistol was taken by him from one Md. Sabir (petitioner). Lastly, it has been



submitted that the petitioner has one criminal case against him.

5. Learned A.P.P. vehemently opposed the prayer for bail of the petitioner and submitted that two live cartridges, air gun as well as equipment and tools for making fire arms were recovered from the house of the petitioner.

6. Having considered the facts that two live cartridges, air gun as well as equipment and tools for making fire arm were recovered from the house of petitioner, I am not inclined to grant anticipatory bail to the petitioner.

7. Accordingly, the anticipatory bail application of the petitioner stands rejected.

(Khatim Reza, J)

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