

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46411 of 2024

Arising Out of PS. Case No.-751 Year-2023 Thana- FATEHPUR District- Gaya

Prem Yadav @ Prashant Kumar Son of Basant Parsad @ Bashant Yadav R/O
Vill.- Ganeshidih, P.S.- Fatehpur, Dist.- Gaya, Bihar

... .. Petitioner/s

Versus

The State Of Bihar PATNA

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Alka Singh, Adv.

For the Opposite Party/s : Mr. Ram Naresh Ray, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 24-07-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection with
Fatehpur P.S. Case No. 751 of 2023 registered for the offences
punishable under Section 25(1-b) A of the Arms Act.

3. The prosecution case, in brief, is that on the basis of a
secret information, when the house of the petitioner was
searched, two country made pistols and three cartridges have
been recovered from his house. Petitioner is said to have fled
away from the spot.

4. It is submitted by learned counsel for the petitioner
that the petitioner is quite innocent and has committed no
offence. No incriminating article has been recovered from the
conscious physical possession of the petitioner. He has no
concern either with the recovered pistols and cartridges. He



was not apprehended on the spot. The recovery are said to have been made from the joint property. He has been made accused in the present case at the behest of local *Chowkidar*. There is violation of Section 100 Cr.P.C. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State opposes the prayer for bail.

6. Having regard to the facts and circumstances of the case, since two country made pistols and three cartridges have been recovered from the house of the petitioner, I am not inclined to enlarge him on anticipatory bail.

7. The prayer for anticipatory bail of the petitioner is hereby rejected.

8. However, if the petitioner surrenders before the learned Court below within six weeks from today and seeks regular bail, the learned Court below shall pass order on the same day in accordance with law without being prejudiced by this order.

(Anjani Kumar Sharan, J)

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