

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54576 of 2024

Arising Out of PS. Case No.-200 Year-2024 Thana- SHEKHPURA District- Sheikhpura

Radhe Shyam Prasad Son of Bechan Yadav R/O Vill.- Alipur, P.s.- Hilsa,
Dist.- Nalanda.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar, Advocate
For the Opposite Party/s : Mr. Bharat Lal, APP

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

ORAL ORDER

2 09-08-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is in custody in a case registered for
the offence punishable under Section 414 of the Indian Penal
Code and Sections 25(1-b)a, 26 and 35 of the Arms Act.

3. As per allegation in the FIR, informant got a secret
information that petitioner along with other co-accused were
going to smuggle arms in white color Xylo car bearing
registration no. BR-52A-2022. Informant along with other
police personnel reached at the spot and apprehended the
petitioner along with other co-accused persons with one rifle,
two country made pistols and 20 pieces of live cartridges.

4. Learned counsel for the petitioner submits that



petitioner has committed no offence and has falsely been implicated in this case and no incriminating articles has been recovered from the possession of the petitioner and petitioner is neither the owner of the said vehicle nor is the driver. He is in custody since 24.04.2024.

5. Learned APP for the State opposes the prayer for bail of the petitioner and submits that petitioner has got similar nature of antecedent and he is named in the FIR.

6. On perusal of the first information report, seizure list and impugned order dated 10.07.2024, it appears that petitioner is named in the FIR and one rifle, two country made pistol and 20 live cartridges were recovered from the conscious possession of the petitioner and no documents were produced regarding the recovery of the arms and investigation is still pending against him, so considering all aspects of the matter, I am not inclined to grant bail to the petitioner.

7. Accordingly, the prayer for bail of the petitioner is hereby rejected.

(Ramesh Chand Malviya, J)

Brajesh Kumar/-

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