

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.58874 of 2024

Arising Out of PS. Case No.-636 Year-2023 Thana- MOTIHARI MUFASIL District- East
Champaran

Sandeep Kumar S/O Late Ram Babu Mahto R/O Village- Kaswa Pataura, P.S-
Muffasil, Motihari, Distt.- East Champaran, Motihari.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar
For the Opposite Party/s : Mr.Dr.Mrityunjaya Kr.Gautam

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

- 2 11-09-2024 1. Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out
of Muffasil Police Station Case No. 636 of 2023, dated
03.09.2023, disclosing offences punishable under
Sections 25(a)/27 of the Arms Act.
3. The prosecution case, as per the First Information Report
lodged by Pankaj Kumar, A.S.I. of Police, is that he
received photographs, on his mobile, of three boys having
arms in their hands and he circulate the said photographs
for their identification. At about 07.05 PM, one
Chowkidar disclosed the name of those boys as Pawan



Kumar, Raushan Kumar, Sonu Kumar and the petitioner)The informant reached the house of Pawan Kumar, who tried to flee away, but the police apprehended him and the informant shown him the photographs, on which he identified himself and also identified the other co-accused as Sonu Kumar and the petitioner and also disclosed that the alleged arms belong to the petitioner and after taking the photograph, he returned the fire arm to the petitioner.

4. Learned Counsel for the petitioner submits that the petitioner is innocent and has not committed any offence in the manner alleged. He further submits that the name of the petitioner surfaced on the basis of disclosure of his name by the Chowkidar and no fire arm has been recovered from the possession of the petitioner.
5. Regards being had to the submissions advanced on behalf of the parties and taking into consideration the nature of allegation and the fact that from the photographs, it appears that the petitioner is holding fire arm and for proper investigation, custodial interrogation may be necessary, I am not inclined to grant the petitioner privilege of anticipatory bail.



6. This application is, accordingly, dismissed.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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