

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65340 of 2024

Arising Out of PS. Case No.-79 Year-2024 Thana- GOH District- Aurangabad

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Ravindra Das @ Rabindra Das S/o Yamuna Das R/o Village- Pema, P.S- Goh,
District- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Santosh Kumar Pandey, Adv.

For the Opposite Party/s : Mrs. Anita Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 17-12-2024 Heard Mr. Santosh Kumar Pandey, learned counsel

for the Petitioner and Mrs. Anita Kumari, learned APP for the

State.

2. The petitioner apprehends his arrest in connection
with Goh P.S. Case No. 79 of 2024 dated 12.04.2024 registered
for the offences punishable under Sections 25(1-B)(a) and 26 of
the Arms Act.

3. As per the prosecution story, on the basis of secret
information, the informant along with other police personnel
reached at the house of the petitioner, committed raid and
recovered a rifle (gun). The informant seized the same and
seizure list was also prepared.

4. The main submissions advanced by the learned
counsel appearing for the petitioner are that there is a serious



contradiction with regard to the description of the alleged seized firearms as in the FIR, the firearm has been shown as country made rifle and in the first part of the FIR, the same has been shown as a large gun and in the impugned order, the learned Magistrate has mentioned the seized gun as a country made pistol, in fact, the petitioner was not present at his house at the alleged time and he ran a tent house and on the alleged day and time of the occurrence, he was busy in arranging tent house articles in respect of the marriage ceremony of one namely, Premchand Kumar and the Investigating Officer did not take any pain to record the statement of the said Premchand Kumar to verify the presence of the petitioner at the alleged place at the time of recovery. It is further submitted that the FIR has been falsely prepared due to village politics, though, against this petitioner there is criminal antecedent of one case but he is on bail in the said case. It is further submitted that on the seizure memo, the signature of the petitioner's wife was not taken while admittedly, she was present when the alleged firearm was seized from the house of the petitioner and there is no independent witness of the recovery of the alleged firearm.

5. Learned APP for the State has opposed the prayer for bail of the petitioner.



6. Considering the seriousness of the allegation which relates to the recovery of firearm from the house of this petitioner and in this regard, the seizure memo as well as FIR itself is relevant and the case is under investigation, in my opinion, it is not a fit case for anticipatory bail to the petitioner, accordingly, his prayer stands rejected.

7. Petitioner is given a liberty to surrender before the trial court, if he surrenders within four weeks from today, then the learned trial court will decide his regular bail prayer as early as possible without being prejudiced with this order.

(Shailendra Singh, J)

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