

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72655 of 2024

Arising Out of PS. Case No.-3 Year-2024 Thana- Baijnathpur District- Saharsa

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Mausam Kumar @ Mousamm Kummar S/o Kailash Yadav R/o Village- Tiri
ward No.03, P.S.- Baijnathpur, District- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pawan Kumar

For the Opposite Party/s : Mr. Raj Kishor Singh

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 11-11-2024 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 Baijnathpur Police Station Case No. 03 of 2024,
disclosing offences under Section 279 of the Indian Penal Code
and Sections 25(1-B)a, 26, 35 of the Arms Act.

3. As per the prosecution case, during patrolling on
10.03.2024, the police got secret information that some
miscreants were planning to commit crime near Khajuri Road,
arrived at the place of occurrence. On seeing the police party all
miscreants tried to flee away towards Madhepura and in course
of fleeing, the vehicle collided with a shop due to which
vehicle's wheel was punctured and when the police party
reached there, all the miscreants fled away. On search, police



recovered one country made pistol along with four live cartridges and three mobile phones from the said vehicle. One of the mobile phones belongs to the petitioner.

4. Learned Counsel for the petitioner submits that the petitioner has falsely been implicated in the present case merely because the mobile phone was kept in the vehicle in question from where illegal fire arms were recovered. The vehicle is registered in the name of petitioner's father and the same was being driven by the driver who used to ply the vehicle on hire basis. For the purpose of hiring, the sim of the petitioner was being used by the driver of the vehicle.

5. Having regard to the submissions made on behalf of the parties and taking into consideration the fact that from the vehicle in question, live cartridges as well as country made pistol was recovered along with the mobile of the petitioner and the vehicle is owned by his father, I am not inclined to grant the petitioner privilege of anticipatory bail.

6. This application is, accordingly, rejected.

(Anil Kumar Sinha, J)

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