

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79685 of 2023

Arising Out of PS. Case No.-185 Year-2023 Thana- SAHPUR District- Bhojpur

SUNIL MISHRA @ SUNIL KUMAR MISHRA S/O LATE SRIMAN
NARAYAN MISHRA R/O VILL-SONBARSA, PS-SHAHPUR, DISTRICT-
BHOJPUR

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Tiwary, Adv.

For the Opposite Party/s : Mr.Dilip Kumar No. 1, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

4 11-03-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in a case in connection with Shahpur P.S. Case No. 185 of 2023 dated 08.05.2023 registered for the offence/s punishable u/ss 25(1-b)a, 26 and 35 of the Arms Act.

3. As per the prosecution case, a loaded rifle and a *Windolia* containing 25 live cartridges were recovered from the house of the petitioner Sunil Mishra. It is further alleged that a country made gun and 42 live cartridges were recovered from the house of the co-accused, Dhanjee Yadav.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. Nothing has been recovered from the conscious possession of the petitioner. Police raided the petitioner's house



in the night at about 2.35 AM and seized the Licensee rifle and 26 cartridges of one Indrajeet Upadhyay who is relative of the petitioner. The petitioner has no criminal antecedent as stated in para 3 of the bail petition.

5. Learned A.P.P. for the State has vehemently opposed the anticipatory bail petition of the petitioner and submitted that the recovery was made from the house of the petitioner. A photocopy of licence of Indrajeet Upadhaya has been filed which appears to be false.

6. Considering the aforesaid facts and circumstances of the case as well as the recovery of arms and live cartridges from the conscious possession of the petitioner, I am of the view that no case for grant of anticipatory bail is made out and the same is rejected with direction to the petitioner to surrender before the Court below concerned within six weeks from the date of this order and the prayer for regular bail, the learned Court below will consider his prayer for regular bail in accordance with law without being prejudiced by this order.

7. The application stands rejected.

(Chandra Prakash Singh, J)

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