

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5829 of 2025

Arising Out of PS. Case No.-274 Year-2024 Thana- DEEPNAGAR District- Nalanda

1. Mahesh Yadav Son of Kailash Yadav Resident of Village- Shekhopur (Dahachak), PS- Deepnagar, District -Nalanda
2. Chhotu Yadav @ Chhotu Kumar Son of Kailash Yadav Resident of Village- Shekhopur (Dahachak), PS- Deepnagar, District -Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Sinha, Adv

For the Opposite Party/s : Mr. Syed Ehteshamuddin, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 15-02-2025 1. Heard learned counsel appearing on behalf of the petitioners and learned Additional Public Prosecutor appearing on behalf of the State.

2. The accused/petitioners are named in the F.I.R. and apprehending their arrest in connection with Deepnagar P.S. Case No. 274 of 2024 registered for the offences punishable under Sections 25(1-b)A, 26 and 35 of the Arms Act.

3. Allegation against the petitioners is to have in possession of illegal countrymade regular single barrel rifle, which is alleged to be recovered by police raiding team from



their house.

4. Learned counsel appearing on behalf of the petitioners submitted that in the present case the mandatory provisions regarding search in house as available under Section 100 (4) of the Cr.P.C./Section 103 (4) of the BNSS not appears to be followed making entire seizure doubtful, where implication against these petitioners were raised out of local politics disputes and differences in-connivance with police officials. It is submitted that even sanctions of District Magistrate was not obtained before lodging the FIR.

5. Learned APP appearing on behalf of the State, while opposing the prayer for anticipatory bail submitted that alleged firearm was recovered from the house of these petitioners, which was duly video graphed by the informant who is ASI of Deepnagar Police Station, Nalanda. It is submitted that the investigation of this case is open and as such, it cannot be said that the prosecution initiated without obtaining any sanctions from the competent authority.

6. In view of the facts and circumstances as mentioned above and by taking note of the fact as alleged



alleged countrymade rifle was recovered from the house of these petitioners, accordingly the prayer of anticipatory bail of the petitioners stands rejected herewith.

(Chandra Shekhar Jha, J.)

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