

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12052 of 2025

Arising Out of PS. Case No.-720 Year-2024 Thana- RAFIGANJ District- Aurangabad

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Avinash Sharma @ Vicky @ Avinash Kumar Son of Sri Mithilesh Kumar
Resident of Village- Charkanwan Upar Dih, P.S.- Rafiganj, District-
Aurangabad

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur, Advocate
Mr. Ritwik Thakur, Advocate
For the Opposite Party/s : Mr. Bishweshwar Ram, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 13-05-2025 Heard Mr. Ajay Kumar Thakur dully assisted by Mr.

Ritwik Thakur, learned counsel for the petitioner and the State.

2. The petitioner is apprehending arrest in connection with Rafiganj P.S. Case No. 720 of 2024 instituted under Sections 25(1-b)a, 26 of the Arms Act lodged on 06.12.2024 by the informant, Kusho Kumar.

3. As per the prosecution story, the informant alleged that upon secret information, the house of the petitioner was raided. He managed to escape but from the toilet of the house, there is recovery of number of cartridges as also country made revolver which led to the FIR.

4. Learned counsel for the petitioner submits that there is delay of six days in presenting the seized materials



before the court inasmuch as the recovery/seizure was made on 05.12.2024 but it came to the Court on 13.12.2024. Further, the criminal antecedent is related to a different case and a decade back. Last submission is that due to land dispute, he has been implicated. The toilet is outside of the house and it is the joint property.

5. Learned APP on the other hand pointed out to his criminal antecedent and submits that number of cartridges/country made revolver recovered and in that background, he does not deserve bail.

6. Taking into account the submissions of the parties as also the material that has come against him, recovery is from the toilet in the house of the petitioner, in that background, since he has also criminal antecedent, the petition stands rejected.

7. However, if the petitioner surrenders within four weeks from today, the Court concerned shall take up the matter and dispose it of preferably on the same day.

(Rajiv Roy, J)

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