

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42311 of 2025

Arising Out of PS. Case No.-13 Year-2025 Thana- SHAMBHUGANJ District- Banka

1. Raja @ Anish Kumar Singh @ Raja Kumar Singh S/O Manoj Kumar Singh Resident of Village- Ramchua, P.S- Shambhuganj, District- Banka.
2. Manish Kumar Singh S/O Manoj Kumar Singh Resident of Village- Ramchua, P.S- Shambhuganj, District- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md.Najmul Hodda, Advocate

For the Opposite Party/s : Mr.Rajendra Singh, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 09-07-2025 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners are apprehending their arrest in connection with Shambhuganj P.S. Case No. 13 of 2025 lodged 11.01.2025, for the offences punishable under sections 25(1-b)a/26/35 of the Arms Act.

3. As per the prosecution, the F.I.R. has been lodged against three named accused persons from whose possession one loaded country-made pistol and three cartridges were recovered. During interrogation, the said accused persons disclosed that they had purchased the recovered arms from the present petitioner.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. It is contended that no incriminating article has been recovered from the possession of the petitioner and that his name has been falsely implicated on the basis of the confessional statement of the co-accused. It is further submitted that such a confessional statement has no evidentiary value in the eyes of law. Since no arms have been recovered from the petitioner, the essential ingredients of the Arms Act are not attracted in the present case. However, it is admitted that the petitioner does not have a clean antecedent, as he is accused in two other criminal cases.

5. Learned APP for the State opposes the prayer for bail and submits that the petitioner is not innocent. It is submitted that the persons from whose possession the arms were recovered have clearly stated that the said arms were procured from the petitioner. It is further submitted that the petitioner has a criminal history and is accused in two other cases.

6. In this background, this Court is not inclined to grant bail to the petitioner. Accordingly, the prayer for bail of the petitioner in connection with Shambhuganj P.S. Case No. 13 of 2025, pending before the learned Judicial Magistrate, 1st Class, Banka is hereby rejected.



7.However, if the petitioner surrenders before the Trial Court within six weeks from today, the Trial Court is directed to consider and dispose of his surrender-cum-bail application on the same day, in accordance with law, after considering the ingredients of the Excise Act alleged against the petitioner, and without being prejudiced by the fact that his anticipatory bail has been rejected by this Court.

(Dr. Anshuman, J)

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