

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46415 of 2025

Arising Out of PS. Case No.-137 Year-2025 Thana- UDWANTNAGAR District- Bhojpur

Kariyawa @ Inderdev Singh @ Shashi Bhushan Singh S/o Ram Bachan
Singh Resident of village- Tetriya, P.S.- Udwantnagar, District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raju Kumar Singh

For the Opposite Party/s : Mr.Madhura Nand Jha

CORAM: HONOURABLE MR. JUSTICE S. B. PD. SINGH

ORAL ORDER

2 04-08-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is apprehending his arrest in connection with Udwantnagar P.S. Case No. 137 of 2025 for the offence under Sections 25(1-b) a, 26 and 35 of the Arms Act.

3. As per the prosecution story, the informant being a police official has alleged that on 18.03.2028 at 10:05 PM, he along with fellow officers and armed police personnel, went on night patrolling. Around 11:25 PM, while they were in village Belaur, they received information from the village headman that Devbhushan Kumar alias Jhakad, accused of celebratory firing during a wedding in Tetariyon on 02.03.2025, was hiding at his brother Kariya Yadav's house. At about 11:50 PM, the team, accompanied by local chowkidar Algu Ram, reached the house.



Devbhushan Kumar, aged about 20, admitted that during his sister's wedding he and his brother had fired shots, injuring a villager named Ashish Kumar. He revealed that the used weapon and cartridges were hidden in a straw sack in the same house. Due to the late hour and unavailability of independent witnesses, Constables Deepak Kumar and Sunil Kumar were made official witnesses. A search of the straw sack led to the recovery of a country-made pistol (total length 16 inches) and five live 8 MM KF cartridges. Devbhushan failed to produce any valid documents for the firearm. A seizure list was prepared, signed by the witnesses and the accused, and a copy was handed over to him. A video recording of the recovery was also made. Devbhushan Kumar was arrested, an arrest memo was prepared, and his family was informed.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence and has falsely been implicated in this case by the informant. Petitioner has no knowledge about the alleged occurrence and has no concern with the same. No case under Sections 25(1-b) a, 26 and 35 of the Arms Act is made out against the petitioner and no any independent witness supported the prosecution story. Learned counsel further submits that no incriminating article has



been recovered from the conscious possession of the petitioner.

5. Learned APP opposes the prayer for bail.

6. From perusal of F.I.R., it appears that the alleged recovery of illicit arms and ammunition was made from the petitioner's room and in the bail application it is nowhere asserted that the petitioner and his brother were living separately before the incident or that the house had been partitioned. Considering these circumstances, this Court is not inclined to extend him the privilege of anticipatory bail.

7. Accordingly, the prayer for anticipatory bail stands rejected.

(S. B. Pd. Singh, J)

Ankit Kumar/-

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