

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87241 of 2024**

Arising Out of PS. Case No.-249 Year-2024 Thana- BARARI District- Katihar

Ashok Chaudhary S/o- Bittan Chaudhary Resident of Village- Tali Bhatta
Barari PS- Barari District- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimal Kumar, Adv.

For the Opposite Party/s : Ms. Madan Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 20-03-2025 Heard learned counsel for the petitioner and learned
APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with Barari
P.S. Case No. 249 of 2024 instituted for the offences under
Section 25(1-b)a, 26, 35 of the Arms Act.

3. As per prosecution case, the police, on receipt of
secret information, raided the house of the petitioner and, in
course of search, one rifle with Magazine, one double barrel
gun, 20 live cartridges and 20 pieces of live pellet cartridge
were recovered from the court-yard of the petitioner.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence as alleged
against him and has falsely been implicated in the present case.



He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. He further submits that the place of occurrence from where the arms and ammunition were recovered is a joint house and the petitioner had no knowledge of the same being kept in the house. The petitioner has no concern with the seized arms and ammunition. There is a non-compliance of Section 103 of the B.N.S.S. which creates a serious doubt in the prosecution case. The petitioner has three criminal antecedents and is languishing in judicial custody since 26.08.2024 without any rhymes or reason.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that huge quantity of arms and ammunition have been recovered from the house of the petitioner. The Investigating Officer, after completion of investigation, has submitted charge-sheet against the petitioner under Sections 25(1-b)a/26/35 of the Arms Act. The petitioner has three criminal antecedents of the similar nature of offence and, hence, he does not deserve bail.

6. Having heard rival contention of both the parties and considering the nature and gravity of the offence as also the criminal antecedents of the petitioner of similar nature of



offence, this Court is not inclined to grant bail to the petitioner.

7. Accordingly, the prayer for bail of the petitioner, above named, is rejected with a direction to the court below to expedite the trial and conclude the same expeditiously.

(Rudra Prakash Mishra, J)

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