

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4569 of 2019

Arising Out of PS. Case No.-90 Year-2018 Thana- VAISHALI District- Vaishali

Abhishek Kumar Srivastav, Son of Rajesh Kumar aged about 21 years, male,
resident of village Bhagwanpur Simra, P.S. Paru, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Devendra Kumar
For the Opposite Party/s : Mr. Dinesh Singh

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 29-01-2019 Heard leaned counsel for the petitioner and
learned APP for the State.

The petitioner is languishing in custody since 19.04.2018 in a case registered for the offences punishable under Sections 399, 402, 413 and 414 of the Indian Penal Code and Sections 25(1-B)a, 26, 27 and 35 of the Arms Act.

The prosecution case as per the self statement of SI Sanjeet Kumar submitted to SHO, Vaishali Police Station is to the effect that a secret information was received that some miscreants have assembled in a Jack fruit orchard and are preparing to commit a dacoity, whereupon, raid was laid and eleven persons were apprehended. It is further alleged that FIR suggests recovery of one loaded country made pistol and six live cartridges and one mobile phone from the petitioner.



However, seizure list suggests that only a mobile phone was recovered from the possession of the petitioner.

It is submitted by learned counsel for the petitioner that no recovery has been made from the possession of the petitioner. It is further submitted that the seizure list is not corroborated with the recovery mentioned in the FIR. A statement has been made in paragraph no. 3 of the petition that the petitioner is involved in one another case.

Learned APP for the State submits that recovery has been made from the possession of the petitioner.

Considering the inconsistency with regard to FIR and seizure list as seizure list does not suggest any seizure of fire arm from the possession of the petitioner, let the above named petitioner be released on bail, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned **CJM, Vaishali at Hajipur** in connection with **Vaishali P.S. Case No. 90 of 2018**.

(Dinesh Kumar Singh, J)

Deepak/Rahul/-

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