

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16812 of 2019

Arising Out of PS. Case No.-113 Year-2018 Thana- BHARGAMA District- Araria

Shambhu Sah, S/o Shiv Sunder Sah, Resident of Village-Parmanandpur, P.S-
Sri Nagar, District-Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhijeet Gautam

For the Opposite Party/s : Mr. Akshay Lal Pandit

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 27-03-2019 Heard learned counsel for the petitioner and
learned APP for the State.

The petitioner is languishing in custody since 05.09.2018 in a case registered for the offences punishable under Sections 25(1-B)a, and 26 of the Arms Act.

The prosecution case is that on 22.05.2018, the informant being the A.S.I., of Bhargma Police Station has recovered a country made musket buried in the cow dung in the house of the petitioner. It is further alleged that the petitioner has confessed about the keeping of the recovered country made musket in other case registered against him being, Bhargama P.S. Case No.73 of 2018.

It is submitted by learned counsel for the petitioner that the recovery has not been made from the conscious physical



possession of the petitioner and he has been roped in the present case merely on his confession in other case. A statement has been made in paragraph no. 3 of the petition that the petitioner is involved in one other case.

Learned APP for the State submits that the recovery has been made from the conscious possession of the petitioner and he had confessed about the keeping of the said country made musket.

Considering the fact that recovery has not been made from the conscious physical possession of the petitioner and period under custody, 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, Araria** in connection with **Bhargama P.S. Case No.113 of 2018**.

(Dinesh Kumar Singh, J)

Deepak/Rahul/-

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