

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM OFFICIAL CHAMBERS VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.23808 of 2021**

Arising Out of PS. Case No.-208 Year-2020 Thana- BHAWANIPUR District- Purnia

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KUNDAN KUMAR @ KUNDAN KUMAR SINGH S/o- Ram Nivas Singh
R/o Kemai, P.S.- Bhawanipur, District- Purnea.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Md Fazle Karim, Advocate

For the Opposite Party/s : Ms. Sucheta Yadav, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 20-09-2021 Heard learned counsel for the petitioner and Ms.

Sucheta Yadav, learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail in connection with Bhawanipur P.S. Case No. 208 of 2020 registered for the offence under Section 25(1-b)a and 26 of the Arms Act. He is in custody since 02.11.2020. Petitioner has got one criminal antecedent as stated in paragraph '3' of the application.

Learned counsel for the petitioner submits that although in the First Information Report the recovery of pistol and 10 live cartridges has been shown from the possession of the petitioner but in the seizure list the place from where the seizure has been made is mentioned and that would show that there is no recovery from the conscious possession of the

petitioner.

Learned counsel further submits that the petitioner is in custody for about 10 months, therefore his prayer for bail may be considered.

On the other hand, Ms. Sucheta Yadav, learned A.P.P. for the State has opposed the prayer for bail of the petitioner. It is her submission that recovery of one fire-arm and ten live cartridges speak against the petitioner.

Considering the facts and circumstances of the case, there being recovery of one country made fire-arm and 10 live cartridges, the quantum of live cartridges allegedly recovered from the possession of the petitioner is such that this Court is not inclined to release the petitioner on bail at this stage.

Prayer for regular bail of the petitioner is, thus, refused.

Let the trial be expedited. If the trial remains unconcluded for no reason attributable to the petitioner with a period of six months from today, he may renew his prayer for bail.

This application stands disposed off accordingly.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.