

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11952 of 2022**

Arising Out of PS. Case No.-125 Year-2021 Thana- PURAINI District- Madhepura

Md. Rahul Son of Md. Bablu @ Md. Babloo R/O Village- Aurai, Ward No.-
11, P.S.- Puraini, District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pawan Kumar, Advocate

For the Opposite Party/s : Mr. Nand Kishore Prasad, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

2 11-07-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Puraini
P.S. Case No. 125 of 2021 registered for the offence under
Sections 25(1-B)a, 26 and 35 of the Arms Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 17.08.2021.

The allegation against the petitioner is to have in
possession of fire-arms as one loaded country made pistol.

Learned counsel appearing on behalf of the petitioner
submitted that alleged recovery of fire-arms has not been made
from the conscious physical possession of the petitioner. It has



further been submitted that the petitioner has been falsely been implicated due to local village issue. It has also been submitted that compliance of mandatory provision of Section 100 Cr.P.C. has not been complied with in the present case, while preparing the seizure list. It has further been submitted that petitioner is a man of clean antecedent and moreover, investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing for the State, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as recovery is not made from the conscious physical possession of the petitioner, who is a man of clean antecedent coupled with the fact that charge-sheet has already been submitted in this case, let the petitioner, above named, is directed to be released on bail in connection with Puraini P.S. Case No. 125 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned ACJM II, Udakishunganj, District - Madhepura, subject to the following conditions:

“(i) Accused/Petitioner shall cooperate in the trial and shall be physically



present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(ii) That one of the bailors shall be Md. Imtiayj, who is the maternal uncle of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

S.Katyayan/
R.S.Sen/-

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