

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18480 of 2022

Arising Out of PS. Case No.-9 Year-2022 Thana- Kathaiya District- Muzaffarpur

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Sajan Kumar @ Ashish Raj Son of Jitendra Kumar @ Jitendra Patel R/o
Village - Thatiya, P.S.- Kathaiya, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Md. Ataur Rahman, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

3 16-08-2022 Let the defect, if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Kathaiya P.S. Case No. 9 of 2022 lodged under Sections 25(1-
B)a, 26 and 35 of the Arms Act.

As per the prosecution case, recovery of one desi katta
and one live cartridge was made from the possession of the
petitioner.

Learned counsel for the petitioner submits that there is
no independent witness in this recovery. The seizure is
completely defective and in gross violation of Section 100 of the
Cr.P.C. He further submits that petitioner is in custody since

15.01.2022, charge sheet has already been filed and having clean antecedent.

Learned counsel for the State opposes the prayer for bail and submits that recovery of loaded country made pistol was made from the possession of the petitioner. Therefore, his bail may be rejected.

In the present facts and circumstances of this case and the submissions made above,I am not inclined to grant bail to the petitioner and petitioner’s bail application is hereby rejected.

But the trial court is directed to release him after framing of charge in this case on the satisfaction of his bail bond.

(Dr. Anshuman, J)

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