

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20649 of 2022**

Arising Out of PS. Case No.-756 Year-2021 Thana- NAGAR District- Vaishali

PRASHANT RAJ @ RAJA KUMAR @ RAJA Son of Rajesh Kumar Jha
Resident of Village - Subhai, P.S.- Hajipur Sadar, District - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ramesh Kumar Choudhary,
For the Opposite Party/s : Mr.Shyam Kumar Singh

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

2 26-08-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State,
through Virtual Court Proceedings.

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

The petitioner seeks bail in connection with Town Hajipur
P.S. Case No. 756 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 25.09.2021.

The allegation against the petitioner is to have in
possession of illical firearms i.e. one country made pistol and knife.

Learned counsel appearing on behalf of the petitioner
submitted that due to criminal antecedents of 03 criminal cases,
petitioner has falsely been implicated in the present case, where in all



the cases, he is on bail. It is also submitted that seizure list is not supported by independent witnesses. It has further been submitted that similarly situated co-accused person has already been granted bail by one of the learned co-ordinate Bench of this Court through Cr. Misc. No. 5165 of 2022 dated 23.05.2022.

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

Considering the facts and circumstances as mentioned above, as seizure list of recovery of firearms is appearing doubtful on its face, as not supported by independent witnesses coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Town Hajipur P.S. Case No. 756 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 Judicial Magistrate, Ist Class, Vaishali at Hajipur/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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