

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21267 of 2022

Arising Out of PS. Case No.-275 Year-2020 Thana- ATHMALGOLA District- Patna

VIJAY RAI Son of Ramchandra Rai Resident of Village - Chanda, P.s.-
Athmalgola, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar Pandey
For the Opposite Party/s : Mr.Rina Sinha

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 02-09-2022 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
Athmalgola P.S. Case no. 275 of 2020 registered for the offence
under Sections 25(1-b), a /26 of the Arms Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 22.11.2022.

The allegation against the petitioner is to have in
possession of one loaded country made pistol along with 09 live
cartridges.

Learned counsel appearing on behalf of the petitioner



submitted that recovery of alleged firearms is appearing doubtful, in view of dispute seizure list, as same is not supported by independent witnesses, rather by police personnels. It is also submitted that the maximum punishment for offence as alleged herewith is of 03 (three) years, whereas, the petitioner is under custody for about 01 year and 10 months, more than half of the maximum conviction period. It is also submitted that the petitioner was involved in one case, where, he is acquitted, as such, it can be said that petitioner is man of clean antecedent. While concluding the argument, it is submitted that 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, while opposing the prayer of bail, fairly conceded the fact that seizure list is supported by police constable.

Considering the facts and circumstances as mentioned above and also considering the custody period in the background of disputed seizure list 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 Athmalgola P.S. Case no. 275 of 2020 on furnishing bail



bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned SDJM, Barh, Patna/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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