

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31790 of 2022

Arising Out of PS. Case No.-40 Year-2022 Thana- ATHMALGOLA District- Patna

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MOHAN ROY Son of Late Harihar Roy Resident of Vill - Dariyapur, P.S. -
Ahtmalgola, Dist.- Patna, Bihar.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Harsh Vardhan

For the Opposite Party/s : Mr.Bharat Bhushan

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 30-08-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within one

month.

Petitioner seeks regular bail in a case registered for the
offences punishable under sections 25(I-b)a and 26 of the Arms Act.

As per allegation on the alleged date and time the police
on a tip off raided the house of the petitioner and recovered one
country made pistol and two live cartridges from the roof of the
petitioner's house.

The main submissions advanced by Sri Harsh Vardhan,
the learned counsel appearing for the petitioner are that nothing was
recovered from possession of this petitioner, there is no independent
witness of the alleged seizure, petitioner has clean antecedent and has
been languishing in jail since 15.2.2022 and he is 67 years old person
and against him investigation has been completed.



Sri Bharat Bhushan, learned APP appearing for the State has opposed the prayer for bail.

Heard both sides and perused the FIR. The present case relates to recovery of country made pistol and two cartridges from the roof of partitioner's house. As per FIR recovery of alleged firearm was made before the police personal and there is no independent person of the alleged seizure list. Petitioner has clean antecedent and has been languishing in jail since 15.2.2022 and he is stated to be 67 years old person as per his petition and against him investigation has been completed, in the opinion of this court, a lenient approach can be taken in respect of the petitioner. Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Sub divisional Judicial Magistrate, Barh, Patna in Athmalgola P.S Case No. 40 of 2022 on the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court below and shall remain physically present as directed by the Court below and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

(3) One of the bailers shall be close relative of the



petitioner who has sworn affidavit in this miscellaneous petition.

The court below will verify the criminal antecedent of the petitioner but acceptance of bail bond will not be delayed on account of process of verification of the said criminal antecedent. If any criminal antecedent of the petitioner is found then the court below shall take serious action against him for cancellation of his bail bond.

(Shailendra Singh, J)

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