

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35374 of 2022

Arising Out of PS. Case No.-214 Year-2022 Thana- NAGAR District- Vaishali

Raushan Kumar Son Of Sant Mahto @ Sant Kumar Mahto R/O Village-
Balwa Kuari, P.S.- Hajipur Sadar, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravish Mishra, Advocate

For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 16-09-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

Heard learned counsel for the petitioner and the
learned APP for the State.

Petitioner seeks regular bail in connection with Nagar
P.S. Case No.214 of 2022 registered for the offences punishable
under Sections 25(1-b)a, 26 and 35 of the Arms Act.

Allegedly, from the possession of petitioner one
cartridge of 12 bore and a motorcycle were recovered and from
the possession of co-accused namely Rohit Kumar a double
barrel country-made gun was recovered along with two
cartridges of the said gun.

The main submissions advanced by the learned



counsel Mr. Ravish Mishra for the petitioner are that the petitioner has a clean antecedent, the petitioner is simply alleged of having in possession a single cartridge without any gun or pistol and the allegation concerned to accused is completely unbelievable and absurd as a double barrel gun having high dimension cannot be hid under the arm-pit of one human and the said co-accused is alleged to have concealed such type of gun under his arm-pit hence, the said fact creates a serious doubt in the allegation of the prosecution and moreover there is no independent witness of the alleged recovery. Further submission is that as per the FIR a motorcycle is said to have been recovered from the possession of this petitioner but the said motorcycle have not been mentioned in the seizure list and the said fact also creates a serious doubt in the allegation made in the FIR. Further submission is that one co-accused who is carrying more serious allegation than this petitioner has been granted bail by the Learned ADJ-II, Vaishali vide order dated 23.06.2022 passed in Bail Petition No.1210 of 22 and petitioner's case stands on better footing as he has been simply alleged to have kept a cartridge in his possession and he has been languishing in jail since 11.03.2022 and against him the investigation has been completed.



Learned APP Mr. Akhileshwar Dayal appearing for the State has opposed the bail prayer.

In view of the above submissions and considering the above defences taken by learned counsel for petitioner and also taking into account the petitioner's clean antecedent and the fact that co-accused carrying more serious allegation than the present petitioner has been granted bail by the Court below as submitted, in the opinion of this Court a lenient approach can be taken in respect of the petitioner's prayer, 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 concerned Court in connection with Nagar P.S. Case No.214 of 2022.

(Shailendra Singh, J.)

sangam/-

U		T	
---	--	---	--

