

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39669 of 2022

Arising Out of PS. Case No.-98 Year-2022 Thana- ALOULI District- Khagaria

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LAXMAN KUMAR Son of Sulo Yadav Resident of Village - Sharbanni, P.s.-
Alauli, Distt.- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Viveka Nandsingh, Advocate
For the Opposite Party/s : Mr.Shyameshwar Dayal, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 14-10-2022 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 Alauli
P.S. Case No. 98 of 2022, registered for the offence under
Sections 25(1-b)a and 26 of the Arms Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 10.03.2022.

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



live cartridge also.

Learned counsel appearing on behalf of the petitioner submitted that recovery of alleged country made pistol and cartridge were not made from conscious physical possession of this petitioner, where implication is purely on false fact. It is further submitted that petitioner is involved in one more criminal case, where he is on bail. It is also submitted that seizure list appears doubtful, being not supported by independent witnesses rather by police personnels. While concluding the argument, it is submitted that investigation in this case is complete, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as seizure list appears doubtful, being not supported by independent witnesses, where petitioner is in custody since 10.03.2022 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 Alauli P.S. Case No. 98 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten



Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Khagaria/concerned court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

R.S.Sen/-

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