

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50863 of 2021

Arising Out of PS. Case No.-195 Year-2021 Thana- PIRBAHOR District- Patna

VISHAL KUMAR Son of Rajesh Kumar Resident of Village - New Staff
Quarter, Block - C, Quarter No.32, P.M.C.H., P.S.- Pirbahore, Distt.- Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Majid Mahboob Khan, Adv.

For the Opposite Party/s : Mr. Ashok Kumar, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 12-01-2022 The instant case has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioner and the learned APP for the State, Sri Ashok Kumar.

The petitioner seeks regular bail in connection with Pirbahore P.S. Case No. 195/2021, registered for the offence punishable under Sections 25(1-b)a, 26 and 35 of the Arms Act.

The allegation is regarding a 7.65 bore loaded country made pistol with six live cartridges having been seized from under the bed kept in a



room of the lodge in question, upon search being made by the police and the petitioner was also arrested from the said lodge.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case, he is having a clean antecedent and he is languishing in custody since 6.5.2021. The learned counsel for the petitioner has referred to paragraphs no. 9 and 10 of the present petition to submit that the petitioner has been implicated in the present case only on the basis of suspicion and he has no connection with the said firearm and moreover, the room in question was not allotted in the name of the petitioner. It is also submitted that no firearm has been recovered from the conscious possession of the petitioner.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the



petitioner and taking into account the materials available on record as also considering the fact that no firearm has been recovered from the conscious possession of the petitioner and the petitioner has categorically stated in the present petition that he has no concern either with the room or the firearm, apart from the fact that the petitioner is having a clean antecedent and he is languishing in custody since 6.5.2021, I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Patna in connection with Pirbahore P.S. Case No. 195 of 2021.

(Mohit Kumar Shah, J)

Ajay/-

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

