

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41833 of 2022

Arising Out of PS. Case No.-41 Year-2022 Thana- BARURAJ District- Muzaffarpur

Prince Kumar Son of Rambabu Ray Resident of village - Jhingaha, P.O. and
P.S.- Motipur, District - Muzaffarpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Santosh Kumar, Advocate.

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 17-11-2022 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 learned
APP for the State.

Petitioner seeks regular bail in connection with
Baruraj P.S Case No. 41 of 2022 registered for the offence
punishable under Section 414/34 of the Indian Penal Code and
Sections 25(1-b)a, 26, 35 of the Arms Act.

As per the prosecution, the informant along with other
police personnel while on regular patrolling duty apprehended
the accused persons and upon making search from the
possession of this petitioner a live cartridge was recovered and
from the possession of the other co-accused persons two



country-made pistols, some live cartridges and a two-wheeler were recovered.

The main submissions advanced by learned counsel Mr. Santosh Kumar appearing for the petitioner are that as per the allegation made in the FIR only one live cartridge was alleged to have been recovered from the possession of this petitioner and while making search and seizure of the alleged fire arms the provisions of Section 100 Cr.P.C was not followed by the police and two co-accused persons have been granted bail by the court below and the one co-accused Om Kumar Bhagat has been granted bail by a co-ordinate bench of this Court vide order in Cr. Misc. No. 39673 of 2022 and the petitioner has been languishing in jail since 02.03.2022.

Learned APP Mr. Chandra Bhushan Prasad appearing for the State has opposed the prayer for bail.

Heard both the sides and perused the FIR and the seizure list. The petitioner has a clean antecedent and has been languishing in jail since 02.03.2022 and as per the statement made in the Para 12 of his petition he is a student and pursuing graduation course and three co-accused persons carrying similar nature of allegation are on bail as submitted and as per the FIR only one cartridge is alleged to have been recovered from the



possession of this petitioner. Considering these facts and mainly taking into account the custody period of the petitioner, 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 Judicial Magistrate 1st class, Muzaffarpur in connection with Baruraj P.S Case No. 41 of 2022.

(Shailendra Singh, J.)

annu/-

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

