

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52112 of 2021

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

AASHISH KUMAR Son of Ganesh Prasad Resident of Village - Babu Tola
Gali, Patna-4, P.S.- Pirbahore, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Krishna Nand Jha, Adv.

For the Opposite Party/s : Ms. Anita Kumari Singh, 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, Ms. Anita Kumari Singh.

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

The allegation is regarding recovery of a 7.65 bore loaded country made pistol with six live



cartridges from under a bed kept in one of the room of lodge in question and the petitioner is stated to have been arrested along with others 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. 7 and 8 of the present petition to contend that the room from where the said arm and cartridges have been recovered does not belong to the petitioner and he has also got no concern with the pistol and cartridges. It is further submitted that the petitioner has been implicated in the present case merely on suspicion.

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 the petitioner has categorically stated in the present petition that he is having no concern with the room and the lodge in question and in fact, neither the loaded country made pistol nor the live cartridges have been recovered from the conscious possession of the petitioner, apart from the fact that the petitioner is having a clean antecedent, 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 Judicial Magistrate-1st Class, Patna in connection with Pirbahore P.S.Case No. 195 of 2021.

(Mohit Kumar Shah, J)

Ajay/-

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

