

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44101 of 2022

Arising Out of PS. Case No.-132 Year-2022 Thana- BOCHAHAN District- Muzaffarpur

Kishan Sah Son of Baldeo Sah Resident of village- Bhikhanpur, PO-
Bhikhanpur, P.S- Ahiyapur, Dist- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhananjay Kumar Shahi, Advocate

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

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 29-11-2022 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 Bochahan P.S.
Case No. 132 of 2022 registered for the offences punishable
under Sections 25 (1-B) (a), 26 and 35 of the Arms Act.

As per the prosecution, the informant along with other
police personnel were on regular patrolling duty and acting
upon a secret information apprehended this petitioner and from
the possession of this petitioner a loaded country made pistol
was recovered.

The main submissions advanced by learned counsel Mr.

Dhananjay Kumar Shahi, appearing for the petitioner are that the petitioner is quite innocent, in fact he was forcefully lifted by the police from his house at the instance of his political enemies and thereafter he was brutally assaulted as a result of which his right hand got fractured and thereafter he was handed over to the Bochahan police station and the police got the FIR of the instant case registered on the basis of information of self-statement of the SHO P.S. Bochahan showing a false recovery of arms from the possession of this petitioner. Further submission is that the petitioner has been languishing in jail since 19.03.2022 and the witnesses of the alleged recovery are police chaukidaars which is sufficient to cast a serious doubt in the alleged recovery of the firearm and against the petitioner, investigation has been completed and against him there is criminal antecedent of one case in which he is on bail.

Learned APP Mr. Jitendra Kumar Singh, appearing for the State has opposed the prayer for bail.

Having regard to the facts and circumstances of this case and considering the above submissions and also the petitioner's custody period and the facts that the witnesses of the search and seizure of the recovery of the alleged firearm are police personnel and no independent person appears to be the

witness of the alleged recovery of the said firearm, in the opinion of this Court the petitioner deserves to a lenient approach of this Court. Accordingly, let the petitioner be enlarged 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 Court concerned in connection with Bochahan P.S. Case No. 132 of 2022.

(Shailendra Singh, J.)

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