

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46348 of 2022

Arising Out of PS. Case No.-330 Year-2022 Thana- AURANGABAD TOWN District-
Aurangabad

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Bhagwat Singh Son of Late Mahesh Singh Resident of Mohalla - Satyendra
Nagar, Ward No. 03 Gali No. 01, P.S. Town, District - Aurangabad, Bihar.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mrs. Kumari Chandna, Advocate
For the Opposite Party/s : Mr. Ajay Kumar Jha, APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 06-12-2022 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 the
learned APP for the State.

Petitioner seeks regular bail in connection with
Aurangabad Town P.S. Case No. 330 of 2022 registered for the
offences punishable under Sections 25 (1-b)a and 26 of the
Arms Act.

As per the prosecution, the informant along with other
police personnel acting upon a secret information raided the
alleged place (house of this petitioner) and recovered a country-
made pistol along with magazine.



The main submissions advanced by the learned counsel Mrs. Kumari Chandna appearing for the petitioner are that the recovery of the alleged fire-arm is stated to have been made before the police personnel and no independent person was made as a witness of the said recovery and there is a serious contradiction in respect of the shape, size and manufacturing of the alleged recovered fire-arm between the details given in the seizure list and the details mentioned in the report of ballistic expert who examined the seized weapon and the said report has been filed as Annexure-2. Further submission is that as per the prosecution the alleged fire-arm was recovered beneath the bed of the informant and at the time of recovery several persons were present but any of them was not made a witness which cast a serious doubt in the alleged recovery of fire-arms in fact on the alleged day of recovery the petitioner had come at his house to attend the marriage ceremony and several persons gathered at that time to attend the said marriage ceremony. Further submission is that the petitioner has criminal antecedent of one case in which he is on bail and has been languishing in jail since 06.06.2022 and against him the investigation has been completed.

Learned APP Mr. Ajay Kumar Jha appearing for the



State has opposed the bail prayer.

Having considered the above submissions and mainly taking into account the serious contradiction between the details of the seized fire-arm mentioned in the seizure list and the details of the said weapon mentioned in the report of ballistic expert filed as Annexure-2 and also the fact that the alleged recovery of the fire-arm was made before the police personnel and there is no independent person of the said recovery and accordingly the most of the witnesses who are to be examined in the petitioner's trial are police officials, 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 the concerned Court in connection with Aurangabad Town P.S. Case No. 330 of 2022.

(Shailendra Singh, J.)

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