

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54078 of 2022

Arising Out of PS. Case No.-307 Year-2022 Thana- BELAGANJ District- Gaya

Rajeev Kumar Son of Dev Sharan Mistri Resident of Village - Shekhpur, P.S.-
Belaganj, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rahul Rathour, Advocate

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 30-11-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period of
four weeks from today.

The petitioner seeks bail in connection with Belaganj P.S.
Case No. 307 of 2022 registered for the offence under Sections 25(1-
b)a, 26 and 35 of the Arms Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 25.06.2022.

The allegation against the petitioner is to have in
possession of one country made loaded pistol.

Learned counsel appearing on behalf of the petitioner
submitted that the alleged recovery of country made pistol was made
from the house of this petitioner, which is occupied by other family
members and, as such, it can be safely gathered that the recovery of



alleged fire arms was not made from the conscious physical possession of this petitioner, who is man of clean antecedent. It is also submitted that seizure list is also appearing doubtful being not supported by independent witnesses, rather by police personnels. While concluding the argument, it has been submitted that investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as recovery of alleged fire arm not appears to be made from the conscious physical possession of this petitioner, who is a man of clean antecedent coupled with the fact that charge-sheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Belaganj P.S. Case No. 307 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-II, Gaya/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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