

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53658 of 2022

Arising Out of PS. Case No.-144 Year-2021 Thana- MUSRIGHRARI District- Samastipur

Himanshu Ray aged 23 years, male, S/O- Sanjay Rai @ Sanjay Kumar
Resident of Village- Bakhari Buzurg Tole Bathua Buzurg P.S-Musarigharari
District-Samastipur

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Mukesh Kumar No1, Adv.
For the Opposite Party : Mr. Jagdhar Prasad, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 23-12-2022 This matter has been taken up today for consideration
through video conferencing.

Heard learned counsel for the petitioner and the learned
APP for the State.

The petitioner seeks bail in connection with
Musarigharari PS Case No. 144 of 2021, registered for the
offence punishable under Sections 25(1-B)a, 26 and 35 of of the
Arms Act.

The petitioner is in custody since 01-12-2021 in
connection with this case which has been lodged based on
recovery of alleged weapon of assault of *Musarigharari P.S.*
Case No. 97 of 2021, from the petitioner's house. The Statement
of the petitioner's father, upon such recovery of weapon, has led



to petitioner's implication in this case.

Learned counsel for the petitioner submits that the allegation under section 302 of the IPC are being considered in *Musarigharari P.S. Case No. 97 of 2021*. In the instant case, there is only alleged recovery of firearm, (country made pistol), mobile phone and motorcycle said to have been used in commission of the offence for of which *Musarigharari P.S. Case No. 97 of 2021* has been lodged. It is submitted that recovery is not from his conscious possession and the recovery is denied and disputed as being contrary to the mandatory procedure prescribed.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions and the fact that the offence under Section 302 of the IPC is being considered in *Musarigharari P.S. Case No. 97 of 2021*, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.

Let the petitioner, above named, 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 learned SDJM Samastipur, in connection with *Musarigharari*



PS Case No. 144 of 2021, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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