

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4376 of 2023

Arising Out of PS. Case No.-786 Year-2022 Thana- BRAHMPUR District- Buxar

RAJ KISHORE CHAURASIA Son of Amarnath Chaurasia @ Guddu
Chaurasia Resident of Village- Kesath, P.S.- Nawanagar, District- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Shankar Pathak, Adv.

For the Opposite Party/s : Mr. Ramchandra Sahni, APP.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 07-04-2023 Let the defects, if any, pointed out by the office be removed within three weeks from the date of this order, failing which the matter be listed again under the appropriate heading for necessary action.

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

Petitioner seeks regular bail in connection with Brahmpur P.S. Case No. 786 of 2022 dated 05.11.2022 registered for the offences punishable under Sections 25(1B)a, 26 and 35 of Arms Act.

As per the prosecution, during the course of night patrolling duty, the informant along with other police personnel apprehended this petitioner and other named co-accused person and from their possession two live cartridges and one loaded



country-made pistol were recovered.

The main submissions advanced by petitioner's counsel are that as per the prosecution's allegation, only two live cartridges were recovered from the possession of this petitioner but the said allegation is completely false, in fact on the alleged day of occurrence, the petitioner was travelling with his co-villager on his motorcycle and the petitioner was bonafidely accompanied with the said co-villager and from the possession of co-accused namely Guddu Kumar one loaded country-made pistol was recovered and thereafter the police fabricated a false story with regard to the recovery of the said two live cartridges from the possession of this petitioner. Further submission is that the petitioner is a very young person and having fair and clean antecedent and has been languishing in jail since 05.11.2022 and it is an admitted position that the possession of a live cartridge is meaningless without a gun/pistol, so the allegation made against the petitioner as of keeping live cartridges in his possession without a gun/pistol, is completely unbelievable.

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

In view of facts, as stated above and mainly considering the petitioner's young age, his fair and clean



antecedent as well as his custody period, in my opinion it is a fit case for bail to the petitioner. Accordingly, let the petitioner named-above 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 Brahmpur P.S. Case No. 786 of 2022.

(Shailendra Singh, J)

annu/-

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

