

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12680 of 2023

Arising Out of PS. Case No.-125 Year-2022 Thana- DAWATH District- Rohtas

SRI KANT KUMAR @ MUKHA Son of Ramdular Singh R/v- Bhundadih,
P.S.- Dawath, District- Rohtas

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arun Kumar Gupta

For the Opposite Party/s : Mr.Ram Bilash Roy Raman

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 24-04-2023 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner has prayed for regular bail in a
case registered for the offence punishable under sections
25(1-b)a, 26, 35 of the Arms Act.

The prosecution case, in brief, is that the
informant along with police personnel raided the house
of the co-accused Brijesh Kishore Yadav and on search,
two country made pistols along with seven live cartridges
were recovered. On the basis of disclosure of petitioner,
the aforesaid arms have been recovered.

Learned counsel for the petitioner submits that



the petitioner is innocent and has committed no offence. He has falsely been implicated in this case on the basis of suspicion. The petitioner has no concern with the alleged arms which was seized by the police from house of co-accused Brij Kishor Yadav. It is further submitted that only material against the petitioner is his self confessional statement before the police in connection with Bikramganj P.S. Case No. 235 of 2022 which is inadmissible in the eye of law. There is no independent witness of the alleged seizure. Moreover, the petitioner is languishing in judicial custody since 12.6.2022. Similarly situated co-accused person, namely, Om Prakash @ Om Prakash Singh has been granted Bail vide order dated 12.04.2023, passed in Cr. Misc. No. 8170 of 2023 by this Court.

Learned APP appearing for the state has opposed the prayer of regular bail.

Having heard learned counsel for the parties and considering the facts and circumstances of the case



as well as period of custody of the petitioner, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Dawath P.S. Case No. 125 of 2022 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M., Bikramganj, Rohtas.

(Sunil Kumar Panwar, J)

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