

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13766 of 2023

Arising Out of PS. Case No.-366 Year-2022 Thana- SHASTRINAGAR District- Patna

Gautam Kumar Son of Manoj Singh @ Manoj Sharma Resident of Village -
Kab, P.S.- Ramjaitalab in the district of Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance:

For the Petitioner/s :	Mr. Dr. Kumar Amitesh Chandra, Advocate Mr. Amritanshu, Advocate
For the Opposite Party/s :	Mr. Bharat Lal, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 12-04-2023 Let the defects, if any, pointed out by the office be removed within four 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 Shastri Nagar P.S. Case No. 366 of 2022 dated 25.06.2022 registered for the offences punishable under Sections 25(1-b)a/25(1) (AA)/26/35 of Arms Act.

As per the prosecution, police personnel on secret information raided the alleged place, apprehended this petitioner with other accused persons and upon search from the possession of this petitioner recovered a loaded pistol with two live cartridges and two mobile phones.

The main submissions advanced by the learned counsel for petitioner are that in fact nothing as alleged in the FIR was recovered from the possession of this petitioner, the alleged fire-arm was planted by the police due to personal grudge and as a matter of fact, petitioner had no concern either with the alleged recovery or with other co-accused persons, the seizure list clearly shows that the place of seizure is a flat situated in front of second floor of the house of Kailash Prasad Singh and the petitioner has no concern either with the alleged flat or with the house of Kailash Prasad Singh and the petitioner has made no confession before the police but to add severity in the present case, alleged confession has been shown by the police, infact the petitioner was apprehended by the police from his house situated at Rajeev Nagar under the jurisdiction of Rajeev Nagar Police Station without disclosing any ground of his arrest and thereafter implicated in the present case due to his support to the residents of Nepali Nagar where their respective houses were later on demolished and prior to the institution of the present case, the petitioner was not accused in any other case but after his arrest in the present case, he was remanded in another case in which he is on bail and he is neither accused nor any requisition for his production in rest of the two cases shown as his antecedents has been made till now. Further submissions are that the petitioner has been languishing in jail

since 27.06.2021 and against him the investigation has been completed in the present matter, one similarly situated co-accused person namely, Rajnish Kumar whose case is completely identical with the petitioner and from whose possession same type of fire-arms were recovered, has been granted bail by a co-ordinate bench of this Court vide order passed in Cr. Misc. No. 65110 of 2022.

Learned APP for the State has opposed the bail prayer.

Considering the above submissions and mainly the statements made in paragraph nos. 11 to 15 of the bail petition discussed above and also the privilege of bail having been granted to similarly situated co-accused mentioned above, in my view a lenient approach can be taken in respect of petitioner's prayer. 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 concerned Court in connection with Shastri Nagar P.S. Case No. 366 of 2022.

(Shailendra Singh, J)

Shahnawaz/-

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