

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.22989 of 2023**

Arising Out of PS. Case No.-311 Year-2022 Thana- BAKHARI District- Begusarai

Rajeev Jha, S/o Late Kedar Jha, resident of village-Parihara, P.S.-Bakhri  
(Parihara O.P.), District-Begusarai.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

For the Petitioner/s : Mr. Ashok Kumar, Advocate

For the Opposite Party/s : Mr. Syed Mojibur Rahman, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA**

ORAL ORDER

3      02-08-2023                      Heard learned counsel for the petitioner and

learned Additional Public Prosecutor for the State.

2.              The accused/petitioner seeks bail in connection  
with Bakhri P.S. Case No.311 of 2022 registered for the  
offences punishable under Sections 25(1-b)a, 26 and 35 of the  
Arms Act.

3.              The accused/petitioner is named in the FIR and is  
in custody since 30.10.2022.

4.              Allegation against the petitioner is to have in  
possession of three pistols only.

5.              It is submitted by learned counsel that alleged  
recovery of firearms was made from a bag, which was lying in  
an auto/three wheeler occupied by several passengers and as this



petitioner was occupying a seat near to alleged bag in three wheeler, on the basis of said suspicion, he was arrested with present case. It is submitted as recovery was made from a public carrier occupied by several persons, it cannot be said that recovery of firearms were made from conscious physical possession of this petitioner, who is a man of clean antecedent. While concluding argument, it is submitted that the investigation of this case is completed for which, charge-sheet has been submitted and, as such, there is no chance of tampering with the evidence.

6. Learned APP opposes the prayer for grant of bail to the petitioner.

7. In view of above-mentioned facts and circumstances and by taking note of fact as alleged firearms not appears to be recovered from conscious physical possession of this petitioner, who is a man of clean antecedent, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 30.10.2022, accordingly, the petitioner, above-named, is directed to be released on bail furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate-1st Class, Begusarai in connection



with Bakhri P.S. Case No.311 of 2022, subject to the conditions  
as laid down under Section 437(3) of the CrPC.

**(Chandra Shekhar Jha, J.)**

Sanjeet/-

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