

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20948 of 2023

Arising Out of PS. Case No.-656 Year-2022 Thana- PARSABAZAR District- Patna

Manish Kumar, Son of Sunil Paswan @ Sunil Saw, Resident Of Parsa Bazar,
Police Station -Parsa Bazar, District Patna

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Shyam Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 18-05-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. In the present case, the petitioner seeks bail in connection with Parsa Bazar P.S. Case No. 656 of 2022, registered for the alleged offences under Sections 25 (1-b)a, 26 and 35 of the Arms Act.

3. As per prosecution case, during checking of vehicles, three youths riding a motorcycle were asked to stop but they tried to run away. The youths were apprehended and the petitioner is one of the apprehended persons. From possession of this petitioner, a live cartridge was recovered. On disclosure of the petitioner, a country made loaded pistol and a live cartridge were recovered from the house of the petitioner.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and has been falsely implicated in this case. It is clear from the FIR that initially recovery of one live cartridge was shown from the petitioner, but subsequently further recovery of firearm and ammunition were shown at the instance of the petitioner, but the recovery is suspect as the seizure list was prepared without involving any independent seizure list witnesses. The petitioner is in custody since 28.11.2022 and the charge sheet has been submitted. The petitioner is having clean antecedent.

5. Learned A.P.P. opposes the prayer for bail submitting that from the conscious possession of the petitioner as well as from his house, arms and ammunitions were recovered.

6. Having regard to the facts and circumstances and submissions made hereinabove and considering the submission of charge sheet and the period of custody of the petitioner and also his clean antecedent, the petitioner is directed to be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Patna, in connection with Parsa Bazar P.S. Case No. 656 of 2022, subject to the conditions mentioned in Section 437 (3) of the Code of



Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

V.K.Pandey/-

(Arun Kumar Jha, J)

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