

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23065 of 2023

Arising Out of PS. Case No.-976 Year-2022 Thana- ALAMGANJ District- Patna

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Ashish Ranjan Son Of Late Prabhat Kumar Resident Of Mohalla - Gurhatta,
Patna City, P.S. - Khajekalan, Distt. - Patna

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raj Krishna Jha, Advocate

For the Opposite Party/s : Mr. Aditya Narayan Singh.1, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 23-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

02. Let the defect (s), if any, as pointed out by the
office be removed within a period of four weeks.

03. In the present case, the petitioner seeks bail in
connection with Alamganj P.S. Case No. 976 of 2022 registered
on 09.12.2022 for the alleged offences under Sections 25 (1-b) a
/26/35 of the Arms Act.

04. As per prosecution case, co-accused Ajay Kumar
was apprehended on suspicion while the police was
investigating the cases registered as Patrakarnagar P.S. Case No.
795 of 2022 and Patrakarnagar P.S. Case No. 796 of 2022 under
Sections 25(1B)a/26/35 of the Arms Act. The co-accused
disclosed the name of petitioner and other co-accused, who used



to supply firearms and ammunition to the criminals after bringing the same from Munger. On identification of the co-accused, this petitioner was apprehended and from his possession, two country made pistols loaded with 7-7 cartridges apart from nine cartridges from his pocket, were recovered.

05. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Nothing incriminating has been recovered from the person or possession of the petitioner and the recovery shown from the petitioner is planted one. The police has not followed the provisions of Section 100 of the Cr.P.C. while making search and seizure. Learned counsel further submits that seizure list shows at the top, the FIR number of the present case and it is not possible that the seizure list was prepared at the spot, which shows seizure list has been fabricated. The petitioner is in custody since 11.12.2022 and charge-sheet has been submitted. The petitioner has got no past criminal history and after this case, he has been made accused in Patrakarnagar P.S. Case No. 795 of 2022 and Patrakarnagar P.S. Case No. 796 of 2022.

06. Learned APP for the State opposes the prayer for bail.

07. Having regard to the facts and circumstances and



submissions made on behalf of the parties and considering the period of custody of the petitioner along with submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-IV, Patna in connection with Alamganj P.S. Case No. 976 of 2022 subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and 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 for 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.

(Arun Kumar Jha, J)

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