

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25612 of 2023**

Arising Out of PS. Case No.-29 Year-2022 Thana- NADI P.S. District- Bhagalpur

Baljeet Kumar, S/o Sipahi Yadav, Resident of village- Navtoliya Jhandapur,
P.S.- Bihpur, District- Bhagalpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Baijnath Sah, Advocate

For the Opposite Party/s : Mr. Nawal Kishore Prasad, APP

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

3 27-07-2023 Heard learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

2. The accused/petitioner seeks bail in connection
with Nadi P.S. Case No.29 of 2022 registered for the offences
punishable under Sections 25(1-B)a, 26 and 35 of the Arms Act.

3. The accused/petitioner named in the FIR and is in
custody since 16.11.2022.

4. Allegation against the petitioner is to have in
possession of a loaded country-made pistol along with other
named co-accused persons.

5. It is submitted by learned counsel that as per the
narration of FIR itself, one loaded country-made pistol was
recovered from the possession of co-accused Mantosh Kumar
Yadav and not from this petitioner. It is pointed out that



implication of this petitioner is only for the reason that he was accompanied with co-accused Mantosh Kumar Yadav. It is also submitted that seizure list appears doubtful being not supported by independent witnesses rather the police personnel. While concluding argument, it is submitted that petitioner found involve in one more criminal case, where he is on bail and moreover investigation of this case has been 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 loaded country-made pistol appears to be recovered from possession of co-accused Mantosh Kumar Yadav and not from possession of this petitioner, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 16.11.2022, 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 A.C.J.M.-1C Naugachiya, Bhagalpur in connection with Nadi P.S. Case No.



29 of 2022, subject to the conditions as laid down under Section
437(3) of the CrPC.

(Chandra Shekhar Jha, J.)

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