

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23708 of 2023

Arising Out of PS. Case No.-338 Year-2022 Thana- RAGHOPUR District- Vaishali

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DHANESH RAI, aged about 42 yrs., Male, SON OF UMESH RAI R/O
VILLAGE- MOHANPUR, WARD NO.07, P.S.- RAGHOPUR, DISTRICT-
VAISHALI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shanti Bhushan Singh, Advocate

For the Opposite Party/s : Mr.Ram Bilash Roy Raman, APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 2 24-05-2023 1. Heard learned counsel for the petitioner and the
learned APP for the State.
2. Petitioner seeks regular bail in connection with
Raghopur P.S. Case No. 338 of 2022 dated 07.12.2022
registered for the offence(s) punishable under Section(s) 25(1-
b)a/26 of the Arms Act.
3. The main submissions advanced by the learned
counsel for the petitioner are that the instant matter relates to
the recovery of one country made pistol, one revolver and two
live cartridges from a room of the petitioner's house but the said
recovery, as alleged in the FIR, is completely false as the seizure
list goes to show that there is no signature of any independent
person of the locality of the petitioner on the seizure list and



even no member of the petitioner's family was made witness of the search and seizure and only police personnel have been shown as witnesses of the seizure and against the petitioner, the investigation has been completed and he has been languishing in jail since 08.12.2022, though against him, there is criminal antecedent of one case but he is on bail in the said case and moreover the said case was lodged in the year 2003. Further submission is that the compliance of the mandatory provisions of Section 100 of Cr.P.C. was not made by the police personnel at the time of conducting search and seizure at the petitioner's house.

4. Learned APP appearing for the State opposes the bail prayer.

5. Heard both the sides. Though there is serious allegation of keeping firearms by the petitioner in his house but considering the petitioner's custody period and the completion of investigation against him, in my opinion, it is a fit case for bail to the petitioner. Accordingly, let the **petitioner named-above be enlarged on bail after framing of charge, if the same has not been framed** in connection with Raghapur P.S. Case No. 338 of 2022 on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the



satisfaction of the Court concerned.

(Shailendra Singh, J)

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