

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25689 of 2023

Arising Out of PS. Case No.-9 Year-2023 Thana- ROSERA District- Samastipur

ABHISHEK KUMAR @ GUDDU Son of Sri Sanjay Kumar @ Sanjay Kumar Mahto Resident of Village - Meghaul Biduliya (Majhaul Viduliya), P.S.- Khodawanpur, District - Begusarai.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Manish Kumar No. 13, Advocate Mr. Rohit Kumar, Advocate Mrs. Priti Kumari, Advocate
For the Opposite Party/s	:	Mr.Anil Kumar

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 31-07-2023 Heard learned counsel appearing on behalf of the petitioner and learned counsel appearing on behalf of the State.

2. The petitioner seeks bail in connection with Rosera P.S. Case No. 09 of 2023 registered for the offence under Sections 393, 307 and 414 of the Indian Penal Code and under Section 25(1-b)a, 26, 27 and 35 of the Arms Act.

3. The accused/petitioner is named in the F.I.R. and is in custody since 13.01.2023.

4. The allegation against the petitioner is to have in possession of three live cartridges and one mobile phone.

5. Learned counsel appearing on behalf of the petitioner submitted that the live cartridges without any arms not appears to be recovered from the conscious physical possession of this petitioner,



where implication, *prima facie*, appears out of local disputes and differences. It is further submitted that seizure list appears disputed for the simple reason that the name of seizure list witnesses not appears in written report. While concluding the argument, it has been submitted that petitioner found involved 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, as such, there is no chance of tampering with the evidence.

6. Learned APP opposes the prayer of bail.

7. Considering the facts and circumstances as mentioned above and by taking note of nature of allegation coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 13.01.2023, accordingly, above named petitioner is directed to be released on bail in connection with Rosera P.S. Case No. 09 of 2023 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Rosera/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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