

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28676 of 2023

Arising Out of PS. Case No.-540 Year-2021 Thana- SUGAULI District- East Champaran

AJAY SINGH S/O JAGAT SINGH @ BHAGAT SINGH R/O Village-
Raipatti Bhatahan, P.S- Sugauli, Distt.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Prateek Tandon, Advocate
For the Opposite Party/s	:	Mr. Mohammad Sufyan, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 4 28-06-2023 1. Heard learned counsel for the petitioner and
learned APP for the State.
2. Petitioner seeks regular bail in connection
Sugauli P.S. Case No.540 of 2021 dated 22.12.2021 registered
for the offence(s) punishable under Section(s) 25(1-B)a, 26 and
35 of the Arms Act.
3. This is a second attempt of the petitioner for
the relief of regular bail after his earlier attempt for the same
relief was rejected by this Bench vide order dated 11.07.2022
passed in Cr. Misc. No. 13566 of 2022 preferred by this
petitioner and now the petitioner has come again for the same
relief mainly on the ground of liberty given to him in the earlier
rejection order.
4. As per the allegation, a country made pistol



with five live cartridges were recovered from the possession of this petitioner.

5. The fresh ground taken by learned counsel for the petitioner in the present petition is that the petitioner has been languishing in jail since 23.12.2021 and he has completed about one year and six months in jail in connection with the alleged offences which are triable by the court of First Class Magistrate and the instant matter relates to the recovery of a country-made pistol with five live cartridges and the other ground is the liberty given to the petitioner by this Court in earlier rejection order to renew his bail prayer after the examination of the witnesses of seizure of fire arms namely Ramesh Kumar Yadav and Ranjit Kumar who have been examined in the trial court and one other prosecution witness Rajiv Kumar has also been examined.

6. Learned APP appearing for the State opposes the bail prayer and submitted that against the petitioner there is criminal antecedents of four cases and he has remained accused in the murder of an RTI activist and the fire arm used in that crime was recovered from his possession, regarding which the instant case was registered against him and others.

7. Heard both the sides. Though the instant



matter relates to recovery of fire-arms from the possession of this petitioner and he also remained accused in the murder of an RTI activist as mentioned above but considering petitioner's long judicial custody which has been about one year and six months and the instant matter relates to the offences punishable under the Arms Act and the same are triable by the court of First Class Magistrate and the petitioner's trial has started and two material witnesses, as mentioned above, concerned to the recovery of the alleged fire-arms have been examined in addition to the examination of one other prosecution witness, in the opinion of this court, in the present circumstances the petitioner now deserves to a lenient approach of this court. Accordingly, let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the concerned Court in connection with Sugauli P.S. Case No.540 of 2021.

(Shailendra Singh, J)

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