

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29518 of 2023

Arising Out of PS. Case No.-124 Year-2022 Thana- RAMGARH District- Kaimur (Bhabua)

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SUSHIL UPADHYAY @ HANUMAN UPADHYAY Son of Late Chandra Shekhar Upadhyay Resident of village-Darwan, P.S.-Ramgarh, District-Bhabua at Kaimur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vinod Kumar Seth, Advocate

For the Opposite Party/s : Mr. Kumar Veerendra Narayan, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 03-07-2023 Heard learned counsel appearing on behalf of the parties.

The petitioner seeks bail in connection with Ramgarh P.S.

Case No. 124 of 2022 registered for the offence under Sections 25(1-b)a and 26 of the Arms Act.

The accused/petitioner is named in the F.I.R. and is in custody since 20.02.2023.

The allegation against the petitioner is to have in possession of one country made pistol.

Learned counsel appearing on behalf of the petitioner submitted that from perusal of seizure list itself, it cannot be safely gathered that recovery of firearm appears from conscious possession of this petitioner, rather same was recovered from jointly occupied house. It is submitted that compliance of Section 100(4) of Cr.P.C. not appears in the present case, regarding search of a premises. While



concluding the argument, it is submitted that petitioner found involved in 01 more criminal case, where, he is on bail and moreover, investigation of this case is completed, for which, charge-sheet has already submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as alleged recovery of firearm not appears to be made from conscious possession of the petitioner coupled with the fact that charge-sheet has already submitted, where, petitioner is in custody since 20.02.2023, let the petitioner, above named, is directed to be released on bail in connection with Ramgarh P.S. Case No. 124 of 2022, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Kaimur at Bhabua/concerned court, subject to the condition as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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