

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31467 of 2023**

Arising Out of PS. Case No.-193 Year-2022 Thana- KASIMBAZAR District- Munger

MD. RAJA Son of Md. Aftab Resident of mohalla - Gulzar Pokhar, P.s. -
Kotwali, Distt. - Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jagdhar Prasad, Advocate

For the Opposite Party/s : Mr. Nirmal Kumar Sinha, APP

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

2 07-07-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Kasim
Bazar P.S. Case No. 193 of 2022 and ST. No. 429/2022
registered for the offence under Sections 25(1-b)A, 26(i)(ii) and
35 of the Arms Act.

The accused/petitioner is not named in the F.I.R. and
is in custody since 26.07.2022.

The allegation against this petitioner is to have in
possession of two country made pistol alongwith four live
cartridges of .315 Bore alongwith other co-accused persons.

Learned counsel appearing on behalf of the petitioner



submitted that the alleged recovery of firearms appears to be made from a bush developed nearby a transformer, as per seizure list suggesting that same is not recovered from conscious physical possession of this petitioner. It is submitted that considering the aspect of recovery similarly situated co-accused persons, namely, Md. Munna and Md. Mustakim have already granted bail by different learned co-ordinate Benches of this Court through Cr. Misc. No. 19453 of 2023 vide order dated 17.05.2023 and Cr. Misc. No. 18928 of 2023 vide order dated 18.05.2023 respectively. While concluding the argument, it has been submitted that petitioner found involved in three more criminal cases, 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 opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as alleged firearms not appears to be recovered from physical possession of this petitioner, rather from an open place which is accessible by general public, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 26.07.2022, accordingly the petitioner, above



named, is directed to be released on bail in connection with Kasim Bazar P.S. Case No. 193 of 2022 and ST. No. 429/2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District Judge II, Munger/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

Archana/-

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