

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33107 of 2023**

Arising Out of PS. Case No.-735 Year-2022 Thana- BIKRAMGANJ District- Rohtas

Vishal Kumar, S/o Shiv Janam Singh, R/o Village- Reriya, P.S- Bikramganj,
Distt.- Rohtas.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Arabind Nath Pandey, Advocate

For the Opposite Party/s : Mr. Bishweshwar Ram, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 23-06-2023 Heard learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

The accused/petitioner seeks bail in connection with Bikramganj P.S. Case No.735 of 2022 registered for the offences punishable under Sections 414 of the Indian Penal Code and Sections 25(1-B)a and 26 of the Arms Act.

The accused/petitioner named in the FIR and is in custody since 25.12.2022.

Allegation against the petitioner is to found in possession of stolen mobile and also one country-made pistol and two live cartridges.

It is submitted by learned counsel for the petitioner that petitioner has been falsely implicated with present case as



mobile in issue belongs to petitioner himself. It is submitted that even recovery of alleged firearm and live cartridges were not made from the conscious physical possession of this petitioner. Learned counsel pointed out that after arrest in present case subsequently, petitioner named in two more criminal cases, where he is on bail and moreover investigation of this case has been completed for which charge-sheet has been submitted and, as such, there is no chances of tampering with the evidence. It is also pointed out that even the seizure list is not supported through independent witnesses, which suggest *prima facie* false implication.

Learned APP opposes the prayer for bail.

In view of the above-mentioned facts and circumstances and by taking note of the fact that as stolen mobile belongs to petitioner himself where seizure list is also not supported by independent witnesses, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 25.12.2022, accordingly, the petitioner above-named is directed to be released on bail furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Bikramganj, Rohtas in connection with



Bikramganj P.S. Case No.735 of 2022, subject to the conditions
as laid down under Section 437(3) of the CrPC.

(Chandra Shekhar Jha, J.)

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