

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37599 of 2023**

Arising Out of PS. Case No.-92 Year-2023 Thana- BHAGWANPUR District- Kaimur
(Bhabua)

=====

DEVMUNI SINGH @ GUDDU SINGH SON OF SHIVBHAJAN SINGH
VILLAGE VKLAGLE KINARACHOLA , P.S. BHAGWANPUR, DISTRICT
KAIMUR AT BHABUA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan, Advocate

For the Opposite Party/s : Mr. Madhura Nand Jha, APP

=====

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

2 31-07-2023 Heard learned counsel appearing on behalf
of the parties.

2. The petitioner seeks bail in connection with
Bhagwanpur P.S. Case No.92 of 2023 registered for the offence
under Sections 25(1-b)a and 26 of the Arms Act.

3. The accused/petitioner is named in the F.I.R.
and is in custody since 09.04.2023.

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

5. Learned counsel appearing on behalf of the
petitioner submitted that alleged riffle appears to be recovered
from mill of this petitioner, which is accessible to general
public, as such, it cannot be said that the alleged recovery was



made from the conscious physical possession of this petitioner. It is also submitted that recovery of only firearm without having any cartridge makes recovery senseless and appears, *prima facie*, only to implicate this petitioner falsely, out of police connivance, where, seizure list witnesses are also police personnels. 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.

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

7. Considering the facts and circumstances as mentioned above, as alleged recovery of rifle not appears to be made from conscious physical possession of this petitioner coupled with the fact that charge-sheet has already submitted, where, petitioner is in custody since 09.04.2023, let the petitioner, above named, is directed to be released on bail in connection with Bhagwanpur P.S. Case No.92 of 2023, 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



Bhabhua/concerned court, subject to the condition as mentioned
under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

S.Katyayan/-

U		T	
---	--	---	--

