

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.49785 of 2023**

Arising Out of PS. Case No.-320 Year-2023 Thana- BHAGALPUR KOTWALI District-  
Bhagalpur

=====

RAHUL KUMAR S/O RAJ KUMAR MAHALDAR @ RAJ KUMAR R/O  
VILLAGE- SURKHIKAL, PS. BARARI, DISTT. BHAGALPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

=====

**Appearance :**

For the Petitioner/s : Mr. Swapnil Kumar Singh, Advocate  
For the Opposite Party/s : Mr. Shahabuddin Azeem @ S. Azeem, APP

=====

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

2      08-08-2023                      Heard learned counsel appearing on behalf  
of the parties.

2.              The petitioner seeks bail in connection with  
Kotwali (Tilkamanjhi) P.S. Case no. 320 of 2023 registered for  
the offence under Sections 279, 337 and 338 of the Indian Penal  
Code and Section 25(1-b)a, 26(i) and 35 of the Arms Act.

3.              The accused/petitioner is named in the F.I.R.  
and is in custody since 06.04.2023.

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

5.              Learned counsel appearing on behalf of the  
petitioner submitted that recovery of alleged firearm, not  
appears recovered from conscious physical possession of this



petitioner, as per seizure list, as same was recovered, during course of treatment in hospital, where, petitioner was admitted, out of motorcycle accident. It is submitted that seizure list is appearing doubtful, as same is not supported by independent witnesses, rather by police personnels. While concluding the argument, it is submitted that petitioner is a man of clean antecedent 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 and by taking note of the fact as alleged firearm, not appears to be recovered from conscious physical possession of this petitioner, who is a man of clean antecedent coupled with the fact that charge-sheet has already submitted, where, petitioner is in custody since 06.04.2023, let the petitioner, above named, is directed to be released on bail in connection with Kotwali (Tilkamanjhi) P.S. Case no. 320 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 CJM, Bhagalpur/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 |  |
|---|--|---|--|

