

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48668 of 2023

Arising Out of PS. Case No.-378 Year-2023 Thana- AHIYAPUR District- Muzaffarpur

Chintu Kumar @ Jhamu Choudhary, Son of Santosh Chaudhary @ Santosh Chaudhari, Resident of Village-Muradpur Dullah, P.S.-Ahiyapur, District-Muzaffarpur-842004

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Surendra Kishore Thakur, Adv.

For the Opposite Party/s : Mr. Dashrath Mehta, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 04-08-2023 Heard learned counsel for the petitioner and the learned APP for the State.

2. Petitioner seeks regular bail in connection with Ahiyapur P.S. Case No. 378 of 2023 dated 01.04.2023 registered for the offences punishable under Sections 25(1-b)a, 26 and 35 of the Arms Act.

3. As per the prosecution, it is alleged that on acting upon a secret information, the informant along with other police personnel apprehended this petitioner, who was trying to flee away and from the possession of this petitioner, a loaded country-made *pistol* with *magazine* was recovered.

4. The main submissions advanced by learned counsel for the petitioner are that the FIR itself goes to show that there is



no independent witness of the recovery of the alleged firearm which is stated to have been made from the conscious possession of this petitioner and he has been languishing in jail since 02.04.2023 and against him, the investigation has been completed. Further submission is that from the perusal of the FIR and the seizure list, it is apparent that the seizure list was prepared on 01.04.2023 at 14:15 P.M. and the FIR was registered on 01.04.2023 at 15:00 P.M. but the case number was mentioned in the seizure list prior to the lodging of the FIR which *prima facie* raises suspicion about the genuineness of the case lodged against this petitioner.

5. Learned APP appearing for the State has opposed the bail prayer.

6. Heard both the sides and perused the FIR and the seizure memo. Against the petitioner, there are criminal antecedents of three cases, out of them one was lodged under the offences of Arms Act and the instant matter relates to the recovery of one loaded country-made *pistol* with *magazine* from the conscious possession of this petitioner. Considering all these facts, this Court is not inclined to accept the petitioner's bail prayer at present. Accordingly, his bail prayer stands rejected.

7. The petitioner may renew his bail prayer after



framing of charge before the Trial Court, if he prefers the said liberty then the Trial Court will decide his bail prayer without being prejudiced by this order.

(Shailendra Singh, J)

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