

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49791 of 2023

Arising Out of PS. Case No.-79 Year-2023 Thana- BASANHI District- Saharsa

UDAY SAH SON OF LATE LAXMI SAH RESIDENT OF VILLAGE -
DURGAPUR, WARD NO.6, P.S. - BASNAHI, DISTRICT - SAHARSA,
BIHAR - 852217

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Subesh Sharma, Advocate

For the Opposite Party/s : Mr. Syed Ehteshamuddin, 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
Basnahi P.S. Case No.79 of 2023 registered for the offence
under Sections 25(1-B)(a) of the Indian Penal Code.

3. The accused/petitioner is named in the F.I.R.
and is in custody since 12.05.2023.

4. The allegation against the petitioner is to
have in possession of one loaded country made pistol (*muskat*).

5. Learned counsel appearing on behalf of the
petitioner submitted that alleged firearm appears to be recovered
from the house of this petitioner, which is accessible to all



family members, as such, it cannot be said that the alleged recovery was made from conscious physical possession of this petitioner. It is also submitted that compliance of Section 100(4) of the Cr.P.C. not appears to be followed, in present case, regarding search of premise. 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 and by taking note of the facts as recovery of firearms, 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 12.05.2023, let the petitioner, above named, is directed to be released on bail in connection with Basnahi P.S. Case No.79 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 ACJM-III, Saharsa/concerned court,



subject to the condition as mentioned under Section 437(3) of
the Cr.P.C.

(Chandra Shekhar Jha, J)

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