

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54569 of 2023

Arising Out of PS. Case No.-143 Year-2023 Thana- KHAGARIA District- Khagaria

BISHUNDEO MUKHIYA S/O BASANT LAL MUKHIYA R/O VILLAGE-
GANDHERSAN, PS. BELDOUR, DIST. KHAGARIA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhay Shankar Singh

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

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 08-11-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 25(1-AA), 26, 35 of the Arms Act.

As per prosecution case, the petitioner and co-accused persons were apprehended on the spot and upon search 4 pieces of semi built barrel of rifle, semi built bolt of rifle, iron trigger, six pieces of semi built firing pin, magazine manufacturing iron die, two country made pistols along with two empty cartridges and other articles were recovered which were contained in a plastic bag.

Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case due to high handedness of



the police officials. Neither the petitioner has any concern with the alleged recovery nor Section 100 of the Cr.P.C. has been followed while preparing the seizure list. It is further submitted that no specific arms have been recovered from the conscious possession of the petitioner. Similarly situated co-accused has already been granted bail by this Court vide order date d28.08.2023 passed in Cr. Misc. No. 54094 of 2023. Moreover, the petitioner is languishing in judicial custody since 13.02.2023.

Learned APP appearing for the state has opposed the prayer of regular bail.

Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody of the petitioner, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Khagaria Muffasil P.S. Case No. 143 of 2023 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned CJM Khagaria.

(Sunil Kumar Panwar, J)

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