

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61058 of 2022

Arising Out of PS. Case No.-127 Year-2022 Thana- BACHHWARA District- Begusarai

DIPAK KUMAR JHA aged about 25 years, (Male), SON OF ANIL JHA
Resident of Village- Dhakjhari, P.S.- Mansurchak, District- Begusarai (Bihar)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jai Prakash Singh, Advocate

For the Opposite Party/s : Mr.Binod Kumar, App

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 19-04-2023 1.Heard learned counsel for the petitioner and the
learned APP for the State.

2. Petitioner seeks regular bail in connection with
Bachhwara P.S. Case No. 127 of 2022 dated 02.06.2022
registered for the offence(s) punishable under Section(s) 25(1-
b)a and 26 of the Arms Act.

3. As per the prosecution, the petitioner was
apprehended by the police party and from his possession, one
loaded country made pistol was recovered.

4. The main submissions advanced by the learned
counsel for the petitioner are that as per the allegation, one
country made pistol is stated to have been recovered from
possession of this petitioner and for this wrong, he has been
languishing in jail since 03.06.2022 having fair and clean



antecedent, petitioner is a student of B.A. Part -I and while searching and seizing the alleged firearm, the provisions of Section 100 of Cr.P.C. were not followed by the police.

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

6. Considering the above submissions and mainly the custody period of the petitioner, his fair and clean antecedent mentioned in the petition, his young age and educational career, in the opinion of this Court a lenient approach can be taken in respect of the petitioner's prayer, let the petitioner be released on bail, **after framing of charge, if the same has not been framed**, in connection with Bachhwara P.S. Case No. 127 of 2022 on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned.

7. The trial court is directed to frame the charge upon the petitioner at the earliest, if the same has not been framed.

(Shailendra Singh, J)

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