

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63366 of 2022**

Arising Out of PS. Case No.-197 Year-2022 Thana- ATHMALGOLA District- Patna

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Amit Kumar Son of Shyam Kishor Singh R/O Village- Jamalpur, P.S.-
Athmalgola, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ashok Kumar Kashyap, Advocate

For the Opposite Party/s : Mr.Ramchandra Sahni,APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 23-02-2023 Heard learned counsel for the petitioner and the
learned APP for the State.

Petitioner seeks regular bail in connection with
Athmalgola P.S. Case No. 197 of 2022 registered for the
offences punishable under Sections 25(1-b)a, 26 of the Arms
Act.

As per the prosecution, the police personnel while on
patrolling duty apprehended this petitioner and from his
possession a foreign made pistol with loaded magazine having a
live cartridge was recovered.



The main submissions advanced by the learned counsel Mr. Ashok Kumar Kashyap for the petitioner are that the petitioner has been languishing in jail since 12.07.2022 and investigation has been completed and he is a shop keeper and runs a restaurant at station bazar, Athmalgola where several shops are situated but the police did not make any independent person as a witness of the seizure and moreover the provisions of sections 157 and 158 of Cr.P.C. were violated by the police by not sending the FIR within the 24 hours of the commission of the alleged occurrence and petitioner was apprehended merely on suspicion and he has fair and clean antecedent.

Learned APP Mr. Ramchandra Sahni appearing for the State has opposed the bail prayer.

In view of the facts, as stated above and mainly considering the petitioner's fair and clean antecedent and his custody period and also the fact that the recovery of the alleged fire arms was made before the police personnel, in the opinion of this Court a lenient approach can be taken in respect of the petitioner's prayer. Accordingly, let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the concerned Court in connection with Athmalgola P.S. Case



No. 197 of 2022.

(Shailendra Singh, J)

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