

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64377 of 2022

Arising Out of PS. Case No.-319 Year-2022 Thana- BEUR District- Patna

=====

Dipesh Bharti S/O Ramadhin Prasad Resident of Village- New Bigrahpur,
Bihari Path, P.O.- G.P.O. P.S.- Jakkanpur, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Mohammad Sufyan, APP

=====

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 21-02-2023 Heard learned counsel appearing on behalf of the

petitioner and learned APP appearing on behalf of the State.

The petitioner seeks bail in connection with Beur P.S.
Case No.319 of 2022 registered for the offence under Sections
25(1-b) a, 26, 35 and 27 of the Arms Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 07.07.2022.

The allegation against the petitioner is to have in
possession of one country made rifle (musket rifle) alongwith
two empty cartridges.

Learned counsel appearing on behalf of the petitioner
submitted that there was dispute related with boundary wall and
for the same complaint was lodged in connection with SHO



Beur Police Station, Patna, where petitioner was called upon for compromise with the concerned parties. It is also submitted that when negotiation failed, due to certain reasons, police under collision with opposite parties implicate petitioner with present offence. It is also submitted that the place from which an alleged recovery of firearm was made is an open place easily accessible by general public and such cannot be said that alleged firearm was recovered from the conscious physical possession of the petitioner. While concluding the argument, it is submitted that petitioner is involved in one more case, where he is on bail and moreover, investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, opposes the prayer for bail.

In view of the facts and circumstances as mentioned above and by taking note of the facts that recovery of firearm appears to be made from an open place coupled with the fact that charge-sheet has already been submitted, let above named petitioner is directed to be released on bail in connection with Beur P.S. Case No.319 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like



amount each to the satisfaction of Judicial Magistrate-I,
Patna/concerned court, subject to the conditions as mentioned
under Section 437(3) of the Cr.P.C.

S.Tripathi/-

(Chandra Shekhar Jha, J.)

U		T	
---	--	---	--

