

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64139 of 2022**

Arising Out of PS. Case No.-607 Year-2022 Thana- SITAMARHI District- Sitamarhi

Bablu Kumar S/O Ramratan Rai @ Ratan Ray R/O Village- Bariyarpur, Ward
No-02, P.S- Sitamarhi, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kumar, Advocate

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA

ORAL ORDER

2 25-02-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Sitamarhi
P.S. Case No. 607 of 2022 registered for the offence under
Sections 25(1-B), 26, 29 and 35 of the Arms Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 12.09.2022.

The allegation against the petitioner is to have in
possession of two empty magazines, where other fire arms were



recovered from co-accused persons.

Learned counsel appearing on behalf of the petitioner submitted that petitioner was falsely implicated in present case and same can be gathered very safely from the recovery as shown for two empty magazines. It is further submitted that alleged motorcycle was jointly occupied by three co-accused persons and as such it cannot be said that recovery was made from conscious physical possession of this petitioner. While concluding the argument, it has been submitted that petitioner found involved in two more cases, where he is on bail and moreover, investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above and by taking note of nature of recovery, where petitioner is in custody since 12.09.2022, coupled with the fact that charge-sheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Sitamarhi P.S. Case No. 607 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 learned Chief Judicial



Magistrate, Sitamarhi/concerned Court, subject to the conditions
as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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