

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 65647 of 2022

Arising Out of PS. Case No.-143 Year-2022 Thana- KADAMKUAN District- Patna

Rahul Kumar S/O Praveen Kumar @ Munna Prasad Resident of village-
Kumhrar back to Panchsil High School P.S.- Kadam Kuan District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Ms. Rina Sinha, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 14-03-2023 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.

A supplementary affidavit has been filed by the
learned counsel for the petitioner regarding correction in the
name of police station. He has submitted that due to
inadvertence, the name of police station ‘Agamkuan’ has been
typed in bail petition. He has submitted that in place of
‘Kadamkuan’, ‘Agamkuan’ police station has wrongly been
typed.

The petitioner seeks bail in connection with
Kadamkuan P.S. Case No. 143 of 2022 registered for the offence
under Sections 25(1-b)a, 26, 27 and 35 of the Arms Act and



25(9) of the Arms Amendment Act, 2019.

The accused/petitioner is named in the F.I.R. and is in custody since 19.03.2022.

The allegation against the petitioner is to fire in air/celebrating firing while celebrating party on the eve of Holi, where recovery of firearm was alleged to be recovered from the house of one of the co-accused.

Learned counsel appearing on behalf of the petitioner submitted that the alleged firing is admittedly non-intentional, where injury caused on the non-vital part of the body. It is submitted that as per the face of F.I.R., firearm was initially with co-accused Rohit Kumar, who supplied to co-accused Akshay Kumar on instruction of this petitioner, which after firing returned firearm to this petitioner. It is submitted that if this narration of F.I.R. be accepted on its face then certainly the recovery of firearm was to be made from the house of the petitioner but same was recovered from the house of co-accused, namely, Rohit Kumar, only suggesting false implication of this petitioner. It is also submitted that the co-accused, namely, Akshay Kumar has already been granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 40291 of 2022 vide order dated 12.10.2022.



While concluding the argument, it has been submitted that petitioner found involved in two more criminal cases, where he is on bail and moreover, investigation of this case has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP for the State opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as alleged firearm not appears to be recovered from the conscious physical possession of this petitioner coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Kadamkuan P.S. Case No. 143 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 Additional Chief Judicial Magistrate-X, Patna/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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