

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69201 of 2022

Arising Out of PS. Case No.-78 Year-2021 Thana- BARIYARPUR District- Munger

Chandika Kumar S/O Sahendre Yadav Resident of village- Dobhiya Tola
Paria, P.S.- Bariarpur, District- Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Sevak Choudhary, Advocate
For the Opposite Party/s : Mr. Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 09-05-2023 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 Bariarpur
P.S. Case No. 78 of 2021 registered for the offence under
Sections 25(1-b)/26(i)(ii) of the Arms Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 02.07.2021.

The allegation against the petitioner is to have in
possession of one country made pistol.

Learned counsel appearing on behalf of the petitioner



submitted that alleged recovery of country-made pistol not appears to be made from the conscious physical possession of this petitioner and just due to his previous criminal antecedents, petitioner was implicated with present case out of oblique motive. It is submitted that seizure list of this case appears doubtful being not supported by independent witnesses rather by police personnels. It is also submitted that on the same very day, petitioner implicated in one more case and just within a short span of 15 days, he was made accused in four cases with more or less similar allegation, which implies police atrocities on its face. While concluding the argument, it has been submitted that 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 custody period, where petitioner is in custody since 02.07.2021 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 Bariarpur P.S. Case No. 78 of 2021 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-II, Munger/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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