

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68339 of 2022**

Arising Out of PS. Case No.-296 Year-2021 Thana- BUNIYAD GANJ District- Gaya

Deepu Kumar @ Deepak Kumar Choudhary, Son of Nathun Choudhary, R/o
Village- Head Manpur, Kukra, P.S.- Buniyadganj, District- Gaya.

... .. Petitioner/S

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

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

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

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

2 15-03-2023 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.

The petitioner seeks bail in connection with
Buniyadganj P.S. Case No. 296 of 2021 (G.R. No. 6495/2021)
registered for the offence under Section 25(1-b)a/26 of Arms
Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 28.12.2021.

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

Learned counsel appearing on behalf of the petitioner



submitted that alleged recovery of firearm is not appears to be recovered from the conscious physical possession of this petitioner. It is also pointed out that the seizure list appears doubtful being not supported by independent witnesses rather by police personnels. It is also submitted that implication is only due to criminal antecedents of the petitioner as he found involved in seven criminal cases, where he is on bail in six cases. It is also pointed out that petitioner is in custody since about one and half years and he almost completed half period of maximum sentence which can be awarded on conviction. While concluding the argument, it is 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, as petitioner is in custody since 28.12.2021, 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 Buniyadganj P.S. Case No. 296 of 2021 (G.R. No. 6495/2021) 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-
VIII, Gaya/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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