

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70519 of 2022

Arising Out of PS. Case No.-320 Year-2022 Thana- MOTIHARI TOWN District- East
Champaran

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Mantu Mishra @ Mantu Kishore Mishra Son of Ragho Kumar Mishra @
Ragho Mishra Resident of Village - Dumra, P.S. - Kotwa, District - East
Champaran. At present Resident of Mohalla - Gayatri Nagar, P.S.- Motihari
Town, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prateek Tandon, Advocate
For the Opposite Party/s : Mr. Aditya Narayan Singh.1, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 16-03-2023 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 Motihari
Town P.S. Case No. 320 of 2022, Trial No. 904 of 2022
registered for the offence under Sections 25(1-b)a, 26 and 35 of
the Arms Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 26.05.2022.

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



Learned counsel appearing on behalf of the petitioner submitted that the alleged firearm was not recovered from the conscious physical possession of this petitioner rather from the open field, which is accessible by general public. It is submitted that the seizure list appears doubtful, being not supported by independent witnesses rather by police personnels. While concluding the argument, it has been submitted that petitioner found involved in two more criminal cases, where he is on bail in one case 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 appears to be recovered from an open field, where seizure list is also appearing doubtful on its face, being not supported by independent witnesses 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 Motihari Town P.S. Case No. 320 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, Motihari, East



Champaran/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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