

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71807 of 2022

Arising Out of PS. Case No.-78 Year-2021 Thana- BHADAUR District- Patna

Sumit Kumar @ Raja, S/o Ajay Rai, Resident of Village- Mansi, Ward No- 2,
P.S.- Mansi, District- Khagaria.

... .. Petitioner/S

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 18-03-2023 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 Bhadaur
P.S. Case No. 78 of 21 registered for the offence under Sections
25(1-b)a, 26, 35 of Arms Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 26.10.2021.

The allegation against the petitioner is to have in
possession of one country made pistol which is alleged to be
used as a murder weapon, for which a separate case as Bhadaur
P.S. Case No. 76/21 was instituted.

Learned counsel appearing on behalf of the petitioner



submitted that petitioner was not named in Bhadaur P.S. Case No. 76/21, where on the basis of confessional statement of apprehended co-accused persons, he was arrested and subsequently in furtherance of his self confession, a country made pistol was alleged to be recovered from road side area, which is an open place and accessible by general public. It is further submitted that seizure list is also appearing doubtful for the reason that same is not supported by independent witnesses rather by Bihar Home Guard Personnels. While concluding the argument, it has been submitted that petitioner found involved in one more criminal case, 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 the fact as recovery of firearm appears to be made from an open place, where seizure list is not appearing supported by independent witnesses, coupled with the fact that charge-sheet has already submitted, let the petitioner, above named, is directed to be released on bail in connection with Bhadaur P.S. Case No. 78 of 21 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like



amount each to the satisfaction of learned Judicial Magistrate-
1st Class, Barh/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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