

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18702 of 2023**

Arising Out of PS. Case No.-360 Year-2022 Thana- RAHUI District- Nalanda

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AJEET PRASAD @ ADITYA KUMAR PRASAD son of Late Raghunath Prasad Village- Barhog Ps- Bind, Dist- Nalanda wrongly mentioned in FIR village- Noawan Ps- Asthawan Dist- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sudhir Kumar

For the Opposite Party/s : Mr.Arvind Kumar Pandey

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**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER**

3 20-07-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 25(1-b)a, 26, 35 of the Arms Act.

As per prosecution case, it is a case of recovery of one country made pistol made in Italy and five live cartridges were found and from another pistol made in Rome two live cartridges were recovered from brick kiln of co-accused, namely, Karu Prasad and the petitioner is alleged to be *munsi* of the alleged brick kiln.

Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. The



petitioner was staff of the alleged brick kiln and due to high handedness of the police officials he has falsely been implicated in this case. Neither the petitioner was apprehended on the spot nor any incriminating article has been recovered from his conscious possession and also petitioner is not owner of the alleged brick kiln. He has got no criminal antecedent. It is further submitted that the petitioner is languishing in judicial custody since 28.10.2022.

Learned APP appearing for the state has opposed the prayer of regular bail.

Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody of the petitioner, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Rahui P.S. Case No. 360 of 2022 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned ACJM-Ist, Biharsharif.

(Sunil Kumar Panwar, J)

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