

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.7073 of 2023**

Arising Out of PS. Case No.-221 Year-2022 Thana- BALIYA District- Begusarai

Krishna Kumar @ Sardar Son of Late Ram Shankar Choudhary @ Ram Shankar Choudhary R/V- Navtol, (naya tol) Agapur, P.S- Mansoorchak, Dist- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Sandip Kumar Gautam  
For the Opposite Party/s : Mr.Shailendra Kumar Singh

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

2      03-05-2023

At the outset, defect nos. 6(i) is ignored.

Heard learned counsel for the petitioner and learned APP for the State.

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

Prosecution case relates to recovery of one country made pistol, one live cartridge which were kept beneath the seat of the pickup van bearing Reg. No. BR09GB-7119 of which petitioner was driver.

It is submitted by learned counsel for the petitioner that petitioner has been falsely implicated in this case. No arms were recovered from conscious possession of the petitioner. Petitioner was simply a driver and he was not aware about the



fact that arms were concealed beneath the driving seat. Provision of Section 100 Cr.P.C. has not been followed by the police officials while preparing the seizure list. Petitioner is languishing in judicial custody since 18.08.2022.

The application for bail is opposed by learned APP for the State.

Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Begusarai in connection with Ballia P.S. Case No. 221 of 2022.

**(Sunil Kumar Panwar, J)**

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