

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79130 of 2023**

Arising Out of PS. Case No.-113 Year-2023 Thana- CHARPOKHARI District- Bhojpur

RAKESH KUMAR RAY @ BIDHAYAK RAY S/O SATYENDRA PANDEY
VILLAGE- NAGARI, PS. CHARPOKHARI, DIST. BHOJPUR.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prabhat Kumar Singh
For the Opposite Party/s : Mr. Humayou Ahmad Khan

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

2 07-12-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has filed the instant application for grant of regular bail in a case registered for the offences punishable under Sections 25(1-b)a and 26 of the Arms Act.

3. The prosecution case relates to recovery of one country made loaded pistol and one motorcycle from the possession of the petitioner.

4. It is submitted by learned counsel for the petitioner that the petitioner is innocent and has committed no offence. He has falsely been implicated in the present case. The petitioner has no concern with alleged arm which was seized by the police. The seized motorcycle belongs to the petitioner. Both the seizure list witnesses are police personnel which is complete



violation of Section 100 of Cr.P.C. The petitioner is languishing in judicial custody since 16.06.2023.

5. Learned APP appearing for the State has vehemently opposed the prayer for Bail.

6. Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case as well as period of custody, this Court is inclined to enlarge the petitioner on bail **after framing of charge**. The above named petitioner is directed to be enlarged on bail in connection with Charpokhari P.S. Case No. 113 of 2023 on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bhojpur at Ara.

(Sunil Kumar Panwar, J)

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