

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7383 of 2024

Arising Out of PS. Case No.-230 Year-2023 Thana- MAHISHI District- Saharsa

1. Ashok Chaudhary, Son of late Surendra Chaudhary Resident Of Village- Tarhi, Ward No. 1, Ps- Nauhatta, Distt- Saharsa
2. Md. Kaushar @ Appu Son Of Late Salehim Resident Of Village- Ramauti, Ward No. 17, PS- Nauhatta, Dist- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Binod Kumar Sinha, Advocate

For the Opposite Party/s : Mr.Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 17-02-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners seek regular bail in connection with Mahishi P.S. Case No. 230 of 2023 lodged on 13.09.2023 under Section25(1-b)a, 26 and 35 of the Arms Act.

3. As per the prosecution case, the FIR has been lodged against four named accused persons including the present petitioner. From the possession of the petitioner No.1 two live cartridges and from the possession of petitioner No.2, one live cartridge have been recovered. Besides the above, other materials have also been recovered which do not come within the category of Arms ACt.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence. There



is no recovery from the conscious possession of the petitioners and the petitioners have been arrested only on the basis of suspicion. The petitioners are in custody since 14.09.2023 and is accused in one more criminal case, but in that case, they are on bail. The charge has already been framed.

5. Learned counsel for the State opposes the prayer for bail and submits that even six months have not been completed as yet and the case has been lodged under the provisions of the Arms Act.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioners above named be released on bail after six months of the framing of charge, if not framed, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) each with two sureties of the like amount each to the satisfaction of learned SDJM, Saharsa, in connection with Mahishi P.S. Case No. 230 of 2023, subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure.

(Dr. Anshuman, J)

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