

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7462 of 2024

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

Durganand Singh SON OF Radhakant Singh Resident Of Village- Mohapur,
Ward No. 11, PS- Nawhatta, Distt- 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.Umanath Mishra, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 17-02-2024 Heard learned counsel for the petitioner and learned

A.P.P. for the State.

2. The petitioner seeks 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 one live cartridge has been recovered.

4. Learned counsel for the petitioners submits that the petitioner is innocent and has committed no offence. There is no recovery from the conscious possession of the petitioner and he has been arrested only on the basis of suspicion. The petitioner is in custody since 14.09.2023 and is accused in three more criminal cases, but in all the cases, he has been granted 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 petitioner above named be released on bail after six months of framing of charge, if not framed, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) 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.

7. The learned court below shall release the petitioner on bail only after framing of charge, if not framed as well as on being satisfied that the petitioner is not absconding in any of the cases as mentioned in paragraph no.3 of the petition as under :-

- (i) Nauhatta P.S. Case No. 161/2018
- (ii) Nauhatta P.S. Case No. 94/2021
- (iii) Nauhatta P.S. Case No. 25/2023

(Dr. Anshuman, J)

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