

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14044 of 2024

Arising Out of PS. Case No.-60 Year-2023 Thana- BARHIYA District- Lakhisarai

Mithun Kumar Son of Shiv Balak Singh Resident of Village- Adarsh
Luxmipur, P.S.- Barahiya, District- Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raja Ram Mishra

For the Opposite Party/s : Mr.Syed Ehteshamuddin

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 04-04-2024 Heard learned counsel for the petitioner and learned
APP for the State.

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

3. Prosecution case relates to recovery of three country made pistol along with nine live cartridges from as alleged house of the petitioner.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case. The petitioner was not apprehended on spot and nothing incriminating article has been recovered from this conscious possession. Provision of 100 Cr.P.C. has not been followed in this case while preparing



seizure list. Similarly situated other co-accused person has already been granted bail by this Court vide order dated 20.09.2023 in Cr. Misc. No. 49575 of 2023. The petitioner has got no criminal antecedent. Moreover, he is languishing in judicial custody since 04.11.2023.

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

6. 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 **after framing of charge if the charge is not framed** in connection with Barahiya P.S. Case No. 60 of 2023 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned J.M. 1st Class, Lakhisarai.

(Sunil Kumar Panwar, J)

Shubham/-

U		T	
---	--	---	--

