

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31845 of 2024

Arising Out of PS. Case No.-184 Year-2023 Thana- BIHRA District- Saharsa

Rakesh Kumar Sah @ Raka @ Doma Son of Shyam Sah Resident of village -
Tulsiyahi (Rahua), WARD NO. 3, P.S.- BIHRA, DISTRICT- SAHARSA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pawan Kumar

For the Opposite Party/s : Mr.Raj Kishor Singh

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 25-04-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Bihra
P.S. Case No. 184 of 2023 instituted for the offences punishable
under Sections 25(1-B)a and 26 of the Arms Act.

3. As per prosecution case, there has been recovery of
one country-made pistol and two live cartridges from the waist
of the petitioner.

4. Learned counsel for the petitioners submitted that
the petitioner has falsely been implicated in the present case.
Charge-sheet has been submitted in this case. The petitioner has
no concern with the alleged arms and cartridges, which were
seized by the police. He further submitted that the alleged



motorcycle which has been seized by the police, belongs to the father of the petitioner. Only on the basis of suspicion, petitioner has been implicated in the present case by the police due to his criminal antecedent. The provision of Section 100 of the Cr.P.C. has not been followed in this case while preparing the seizure list. The petitioner is in custody since 17.09.2023 and has eleven criminal antecedents.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail after **framing of charge, if not already framed**, on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Bihra P.S. Case No. 184 of 2023.

(Rudra Prakash Mishra, J)

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