

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37397 of 2024

Arising Out of PS. Case No.-15 Year-2024 Thana- BHAIKAVSHTHAN District- Madhubani

Sumit Choudhary @ Sumit Kumar Choudhary Son of Sanjay Kumar Choudhary @ Sanjay Choudhary R/O village - Sarbsima, P.S.- Bhairab Asthan, District - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ramchandra Jha Raman, Advocate

For the Opposite Party/s : Mr. Nand Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

4 01-08-2024 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner is in custody in a case registered for the offence punishable under Sections 25(1-b)a, 26, 27 and 35 of the Arms Act.

3. As per allegation in the FIR, it is a case of recovery of one loaded country made pistol from the possession of the petitioner and also one motorcycle without any registration number was also recovered and petitioner discloses that motorcycle belongs to his friend Shivam Shibu Rai.

4. Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case. He next submits that there is no specific allegation against the petitioner



and no incriminating articles were recovered from the possession of the petitioner and there is no independent witness of the seizure list and is in custody since 18.02.2024.

5. Learned APP for the State opposes the prayer for bail of the petitioner and he submits that there is direct allegation of shot fired upon the police personnel.

6. On perusal of the first information report, case diary and impugned order dated 09.04.2024, it appears that one loaded country made pistol, one fired cartridge and one motorcycle without any registration number were recovered from the conscious possession of the petitioner and the petitioner has been arrested on the spot with fire arms and also the petitioner shot fired upon the police personnel when they were discharging their duties, so in all aspects of the matter, I am not inclined to grant bail to the petitioner.

7. Prayer for regular bail of the petitioner is hereby rejected.

8. However, petitioner is directed to renew his prayer for bail after one year of his custody.

(Ramesh Chand Malviya, J)

Brajesh Kumar/-

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