

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40820 of 2024

Arising Out of PS. Case No.-138 Year-2024 Thana- PIRO District- Bhojpur

Amarjeet Kumar S/O Jang Bahadur Singh R/O Village- Hakar Tola, Jitaura
Jangal Mahal, P.S- Piro, Distt.- Bhojpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ganesh Prasad Singh, Advocate

For the Opposite Party/s : Dr. Ajeet Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 10-06-2024 Heard learned counsel appearing on behalf of the

petitioner and learned A.P.P. for the State.

2. Petitioner seeks bail in connection with Piro P.S.

Case No. 138 of 2024 registered for the offences under
Section 25(1-b)a/26/35 of the Arms Act.

3. The petitioner is named in the First Information
Report and is in custody since 01.04.2024.

4. Allegation against the petitioner is of having
possession of two live cartridges alongwith one co-accused
who was the pillion rider having possession of one loaded
country made pistol and one live cartridge.

5. It is submitted by learned counsel appearing on
behalf of the petitioner that petitioner has been falsely



implicated in the present case out of police atrocities, which is apparent from the seizure list, where two live cartridges were shown recovered from his possession without any fire-arm. It is pointed out that petitioner is a man of clean antecedent and, motorcycle, which is alleged to be seized by the police, belongs to his father. It is further pointed out by learned counsel that seizure list is not showing the signature of accused petitioner, suggesting prima-facie that alleged recovery of live cartridges were not made from his physical possession. It is submitted that seizure list appears also doubtful being not supported by independent witnesses, rather by Home Guard personnel. While concluding argument, learned counsel submitted that investigation of this case is completed and charge-sheet has already submitted, and as such, there is no chance of tampering with the evidence.

6. Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

7. In view of above-mentioned facts and circumstances of the case as recovery of alleged live



cartridges *prima-facie* not appears recovered from conscious physical possession of this petitioner as per seizure list, coupled with the fact that investigation of this case is completed coupled with the fact that petitioner is a man of clean antecedent who is in custody since 01.04.2024, accordingly, above-named petitioner is directed to be released on bail in connection with Piro P.S. Case No. 138 of 2024 on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. - 4th, Bhojpur at Ara, subject to the condition as laid down under Section 437 (3) Cr.P.C.

(Chandra Shekhar Jha, J.)

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