

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40196 of 2024

Arising Out of PS. Case No.-7 Year-2024 Thana- UCHKAGAON District- Gopalganj

Birbal Prasad S/O Harilal Prasad R/O Village- Vrit Belwa, P.S.- Kuchaikote,
Dist- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Naresh Prasad, Advocate

For the Opposite Party/s : Mr. Tarun Prasad Mandal, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 18-09-2024 Heard learned counsel appearing on behalf of the

petitioner and learned APP appearing on behalf of the State.

2. The petitioner seeks bail in connection with

Uchakagaon P.S. Case No. 07 of 2024 registered for the

offences under Sections 25(1-b)a, 26 and 35 of the Arms

Act.

3. The petitioner is named in the F.I.R. and is in

custody since 09.01.2024.

4. The allegation against the petitioner is to have

in possession of one country-made pistol alongwith one live

cartridge.

5. Learned counsel appearing on behalf of the



petitioner submitted that petitioner has falsely implicated with the present case as alleged recovery of countrymade pistol was not made from the conscious physical possession of this petitioner. It is also submitted that seizure list appears doubtful being not supported by independent witnesses rather by police personnels. While concluding the argument it is submitted that petitioner found involved in five more criminal cases, where in all five cases he is on bail and moreover, investigation has completed, for which, charge-sheet has already submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP appearing on behalf of the State, while opposing the prayer for bail submitted that criminal antecedents of petitioner be taken into consideration.

7. In view of aforesaid facts and circumstances as mentioned above and by taking note of accusations in totality, coupled with the fact as investigation of this case is already completed and as petitioner is in custody since 09.01.2024, where charge-sheet has already submitted, accordingly, petitioner, above named, is directed to be



released on bail in connection with Uchakagaon P.S. Case No. 07 of 2024 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-IX, Gopalganj/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C./ Section 480(3) of the BNSS with further condition:-

(i) That petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(Chandra Shekhar Jha, J.)

S.Tripathi/-

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