

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41145 of 2024

Arising Out of PS. Case No.-70 Year-2024 Thana- MALI District- Aurangabad

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Bijendra Kumar, Son of Ram Pravesh Mehta @ Parvesh Mahato, Resident of
Village - Dhamni Simiri, P.S. - Mali, District - Aurangabad

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Singh, Advocate

For the Opposite Party/s : Mr. Abhay Kumar Roy, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 13-06-2024 Heard Mr. Ashok Kumar Singh, learned counsel for

the petitioner and Mr. Abhay Kumar Roy, learned Additional

Public Prosecutor for the State.

2. The accused/petitioner seeks bail in connection
with Mali P.S. Case No. 70 of 2024 registered for the
offence punishable under Sections 25(1-b)a and 26 of the
Arms Act.

3. The accused/petitioner is named in the FIR and
is in custody since 02.04.2024.

4. Allegation against the petitioner is to have in
possession of one country-made rifle and also of seven live
cartridges and three empty cartridges.

5. It is submitted by learned counsel appearing for



the petitioner that petitioner has been falsely implicated with present case. It is submitted that alleged recovery of firearms made from the house of the petitioner, which is occupied jointly by different members of the family and, therefore, it cannot be said that alleged recovery of firearms were made from conscious physical possession of this petitioner, who is otherwise a man of clean antecedent. While concluding argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has been submitted and, as such, there is no chance of tampering with the evidence.

6. Learned APP opposes the prayer for grant of bail to the petitioner.

7. In view of aforesaid factual submissions, as alleged firearms not appears to be recovered from conscious physical possession of this petitioner, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 02.04.2024, accordingly, the petitioner, above-named, is directed to be released on bail furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two



sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Aurangabad in connection with Mali P.S. Case No.70 of 2024 subject to the conditions as laid down under Section 437(3) of the CrPC.

(Chandra Shekhar Jha, J.)

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