

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40799 of 2024

Arising Out of PS. Case No.-66 Year-2024 Thana- BARARI District- Katihar

Md. Rezaul Ansari @ Rezabul Ansari @ Rezaul Ansari son of Mustakim
Ansari Village- Bari Kajra Ps- Barari Dist- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajendra Prasad Sah

For the Opposite Party/s : Mr. Dr. Indihar Kumari

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

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

the petitioner and learned counsel appearing on behalf of

the State.

2. The petitioner seeks bail in connection with

Barari (Semapur) P.S. Case No. 66 of 2024 registered

for the offence under Sections 399, 402 of the I.P.C.

and under Section 25(1-b)a, 26/35 of the Arms Act.

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

in custody since 25.02.2024.

4. The allegation against the petitioner is to

have in possession one loaded country made pistol.

5. Learned counsel appearing on behalf of the



petitioner submitted that factual background of this case suggest prima-facie that the recovery of country made pistol not appears to be made from the conscious physical possession of this petitioner, who by the time lodging present FIR was a man of clean antecedent. It is subsequent to lodging of present FIR petitioner was also involved in one more criminal case which only suggests police atrocities, where he is on bail. While concluding the argument, it is submitted that seizure list is also appearing doubtful as it is not supported by the independent witnesses rather by police personals and moreover, investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP opposes the prayer of bail.

7. In view of the facts and circumstances and by taking note of the fact as the recovery of country made pistol prima-facie not appears to be made from the conscious physical possession coupled with the fact



that investigation has already been completed, where petitioner is in custody since 25.02.2024, let the petitioner, above named, is directed to be released on bail in connection with Barari (Semapur) P.S. Case No. 66 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 ACJM-I, Katihar, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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