

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44610 of 2024

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

Nihal Alam S/o Md. jahiruddin @ Md. Jahir R/o Village-Jagdishpur, P.S.-
Barari, District-Katihar

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

For the Opposite Party/s : Mr.Mithlesh Kumar Khare, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 19-07-2024 Heard learned counsel appearing on behalf of the

petitioner and Mr. Mithilesh Kumar Khare, learned A.P.P. for

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. It is submitted that beside this case, petitioner was found involved in one more criminal case, in which 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 personnels 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 of petitioner 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/concerned court, subject to the
conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J.)

Rajeev/-

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