

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58243 of 2024

Arising Out of PS. Case No.-98 Year-2024 Thana- BEGUSARAI MUFFASIL District-
Begusarai

Deewana Kumar Son of Doman Rai Village- Ayodhya Bari, PS- Lakho Op,
Dist- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Daya Shankar Prasad Sinha, Adv.
For the Opposite Party/s : Mr.Tarun Prasad Mandal, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 13-11-2024 Heard learned counsel for the petitioner and learned
APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with
Muffasil P.S. Case No. 98 of 2024 instituted for the offences
under Sections 25(1-B)a, 26/35 of the Arms Act.

3. As per prosecution case, the police, on receipt of
secret information, reached at the place of occurrence and
apprehended two persons from there including the petitioner and
one of them managed to flee away. On search, one loaded
country made pistol and one photocopy of *Aadhar* card were
recovered from the possession of the petitioner Deewana Kumar
whereas three cartridges along with one scan copy of the PAN
Card were recovered from the possession of the o-accused Niraj



Kumar @ Chhotu.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case. He further submits that no arms has been recovered from the conscious/constructive possession of the petitioner but, on the seizure list, the police took the signature of the petitioner forcefully. There is a non-compliance of Section 100 of the Cr.P.C. which creates a serious doubt in the prosecution case. No independent eye-witness has given any statement against the petitioner. The petitioner has altogether six criminal antecedents and is languishing in judicial custody since 21.02.2024 without any rhymes or reason. Charge-sheet has been submitted in this case and the learned court below has also taken cognizance thereof.

5. Learned counsel for the petitioner submits that the co-accused Niraj Kumar @ Chhotu has already been granted bail by this Court vide order dated 28.10.2024 passed in Cr. Misc. No. 52030 of 2024.

6. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that one loaded Katta and live cartridge were recovered



from the possession of the petitioner. The petitioner has six criminal antecedents and, hence, he does not deserve bail.

7. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Muffasil P.S. Case No. 98 of 2024.

(Rudra Prakash Mishra, J)

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