

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55613 of 2024

Arising Out of PS. Case No.-551 Year-2024 Thana- PHULWARISHARIF District- Patna

Rakesh Kumar Son of Late Satendra Prasad Singh Resident of Village -
Kurkuri, P.S. - Phulwari Sharif, District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sudish Kumar, Adv.

For the Opposite Party/s : Mr.Md. Mushtaque Alam, APP

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

ORAL ORDER

2 14-08-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Phulwari Sharif P.S. Case No. 551 of 2024 instituted for the
offences under Sections 25(1-B) (a) and 26 of the Arms Act.

3. As per prosecution case, the police has recovered
one country-made pistol, two live cartridges and one misfired
cartridge from the conscious possession of the petitioner.

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.
The petitioner is not named in the F.I.R. He further submits that
nothing incriminating has been recovered from the conscious
possession of the petitioner. There is a non-compliance of



Section 100 & 102 of the Cr.P.C. which creates a serious doubt in the prosecution case. Not a single independent witness has supported the allegation against the petitioner except the police constable. The petitioner has one criminal antecedent in which he is on bail and is languishing in judicial custody since 15.04.2024 without any rhyme or reason. Charge-sheet has been submitted in this case.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. 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 Phulwari Sharif P.S. Case No. 551 of 2024.

(Rudra Prakash Mishra, J)

rishi/-

U		T	
---	--	---	--

