

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62267 of 2024

Arising Out of PS. Case No.-43 Year-2024 Thana- RAXAUL District- East Champaran

Vishal Kumar Singh, Son of Vijay Pal Singh, R/O Vill.- Chikni, P.S.- Raxaul,
Dist.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajkumar Rajesh, Advocate
For the Opposite Party/s : Mr.Dilip Kumar No. 1, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 20-09-2024 Heard learned counsel for the petitioner and Mr. Dilip
Kumar No.1 , learned APP for the State.

2. The petitioner in the present case is seeking regular bail
in connection with Raxual P.S. Case No.43 of 2024 registered for the
offences punishable under Sections 25(1-b)a, 26, 27 and 35 of the
Arms Act. He is in custody since 25.06.2024.

3. As per prosecution story, allegedly two country made
pistol and four live cartridges have been recovered from the house of
the petitioner.

4. Learned counsel for the petitioner submits that the
entire prosecution story has been concocted in course of investigation
of Sugauli P.S. Case No.65 of 2024 registered for the offences
punishable under Section 302 of the Indian Penal Code and Section
27 of the Arms Act. In the said case, the name of uncle of the
petitioner transpired in the re-statement of the informant whereas the

name of the petitioner has been involved on the basis of a confessional statement of the co-accused. In the said case, the uncle of the petitioner has been granted bail by a learned coordinate Bench of this Court in Cr.Misc.No.34904 of 2024.

5. So far as this case is concerned, it is alleged that a raid was conducted on the basis of the confessional statement of the co-accused. It has been shown that the seizure of two country made pistols and four live cartridges have been made from the house of this petitioner but on a bare perusal of the seizure list, it would appear that the seizure list witnesses are two constables who were members of the raiding party. Further, it would appear that the copy of the seizure list was not made available to any of the family member of the petitioner. Thus, the manner in which the seizure list has been prepared, it would not inspire confidence of this Court.

6. Learned APP for the State has opposed the prayer for regular bail of the petitioner. It is submitted that the recovery of fire-arms and four live cartridges have been made from the house of the petitioner.

7. Having regard to the submissions noted hereinabove and on a prima-facie perusal of the seizure list which is on the record having noticed that the seizure list witnesses are the two constables who are members of the raiding party and there is no service of copy of the seizure list to any of the family member of the petitioner and that the petitioner is in custody in connection with this case since

25.06.2024 and investigation against him is complete, this Court directs release of the petitioner above named on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Motihari in connection with Raxual P.S. Case No.43 of 2024, subject to the conditions as laid down under Section 437(3) Cr.P.C.

8. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

9. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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