

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63780 of 2024

Arising Out of PS. Case No.-497 Year-2024 Thana- SONEPUR District- Saran

Shivam Kumar @ Bhola Singh Son of Birendra Singh Resident of village -
Kakrahat, P.S.- Derni, District - Saran (Chapra).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Atul Kumar

For the Opposite Party/s : Mr.Nawal Kishore Prasad

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 11-09-2024

Heard the parties.

2. The petitioner seeks bail in connection with
Sonpur P.S. Case No. 497 of 2024 registered for the
offence under Sections 26(I-b), 26, 35 of the Arms Act.

3. The petitioner is named in the F.I.R. and is
in custody since 16.06.2024.

4. The allegation against the petitioner is
having in possession of one country-made pistol and two
live cartridges along with other co-accused persons.

5. Learned counsel appearing on behalf of the
petitioner submitted that the recovery of country-made
pistol was made from the possessions of co-accused,



namely, Sahzad Alam, and on the basis of his disclosure only, petitioner was implicated with present case. It is submitted that admittedly no fire arms as alleged was recovered from the physical possession of this petitioner. It is also submitted that seizure list appears disputed as same is not supported by independent witness rather by police personnels. While concluding the argument, it is submitted that petitioner found involved in one more criminal case, where is in on bail, 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 aforesaid facts and submission as alleged fire arms *prima-facie* not appears to be recovered from conscious physical possession of this petitioner, coupled with fact that investigation has already been completed, where petitioner is in custody since 16.06.2024 ,accordingly, petitioner above named,



is directed to be released on bail in connection with
Sonpur P.S. Case No. 497 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 Addl. District & Sessions Judge 16th,
Saran(Chapra)/concerned court, subject to the
conditions as mentioned under Section 437(3) of the
Cr.P.C/ Section 480(3) of BNSS.

(Chandra Shekhar Jha, J)

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