

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68590 of 2024

Arising Out of PS. Case No.-700 Year-2024 Thana- AHYAPUR District- Muzaffarpur

Kundan Kumar Son of Pramod Mahto Resident of village- Bela
pachgachhiyar P.S.- Ahiyapur, Distt.- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rajeev Ranjan No. II, Adv. Ms. Priyanka Kumari, Adv.
For the Opposite Party/s	:	Mr. Jagdhar Prasad, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 01-10-2024 Heard Learned Counsel for the petitioner and Learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Ahiyapur P.S. Case No. 700 of 2024 dated 28.05.2024, lodged
under Sections 25(1-B)(a), 26, 35 of the Arms Act.

3. As per the prosecution, FIR has been lodged against
three named accused persons including the present petitioner.
The allegation against the present petitioner is that one *desi*
katta along with one live cartridge have been recovered from the
petitioner's possession.

4. Learned Counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. Counsel
submits that the said recovery has not been made from the



conscious possession of the petitioner, rather, police has forcefully taken signature of the petitioner on blank seizure list and this seizure is basically false and fabricated seizure list. Counsel submits that the petitioner was coming from the market and he was arrested by the police only on the basis of suspicion. Counsel further submits that the criminal antecedent of the petitioner is not clean as there are two criminal cases pending against him and in both the cases, he is on bail. The petitioner is in custody since 29.05.2024 in the present case.

5. Learned APP for the State opposes the prayer for bail of the petitioner and submits that the recovery of arms has been made from the petitioner's possession and he is in judicial custody since last four months only. Counsel also submits that the criminal antecedent of the petitioner is also not clean and this aspect must be taken into consideration while considering the bail application of the petitioner.

6. In the present facts and circumstances of this case, let the petitioner above named be granted bail, but only three months after framing of charge as well as on being satisfied by the Trial Court that the petitioner is not absconding in any of the cases pending against him whose details are mentioned below, and on furnishing bail bonds of Rs.30,000/- (Rupees Thirty



Thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Muzaffarpur in connection with Ahiyapur P.S. Case No. 700 of 2024, subject to the conditions as laid down U/s 437(3) Cr.P.C.

7. Pending cases against the petitioner are as follows:-

(I)- Ahiyapur P.S. Case No. 595 of 2020.

(II)- Ahiyapur P.S. Case No. 204 of 2022.

(Dr. Anshuman, J)

Divyansh/-

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