

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83007 of 2023**

Arising Out of PS. Case No.-575 Year-2023 Thana- MUFFASIL District-
West Champaran

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SAJRUN NESHA WIFE OF MIR NEYAJ R/O VILLAGE- KHARSHAHWA, P.S.-
BALTHAR, DISTRICT- WEST CHAMPARAN, PRESENT ADDRESS- ITI
BUDHDHA COLONY, P.S.- BETTIAH (MUFFASIL), DISTRICT- WEST
CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Adv.

For the Opposite Party/s : Mr. Lalan Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

3 07-03-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Bettiah (Muffasil) P.S. Case No. 575 of 2023 lodged on 31.08.2023
under Sections 25(1-b)a, 26 and 35 of the Arms Act.

3. As per the prosecution case, the FIR has been lodged
against three named accused persons, including the present
petitioner from whose possession, one pistol made in U.S.A. and
one country made pistol along with total 20 cartridges as also
other sims and mobiles were recovered.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. He submits
that from the content of the F.I.R. itself, it transpires that the
police has surrounded the house of the petitioner upon



information that the criminals are gathered there. He further submits that when the police surrounded the house of the petitioner, then the criminals left there leaving their arms. He also submits that the recovered arms do not belong to the petitioner rather those belong to the criminals who fled away from the place of occurrence.

5. Learned counsel for the petitioner submits that the petitioner is in custody since 01.09.2023 and is accused in two more criminal cases, in which she is on bail.

6. Learned counsel for the State opposes the prayer for bail and submits that though there are three names in the F.I.R. but recovery has been made from the petitioner's house where petitioner was present. As such, it shall be said that said recovery has been made from the petitioner's conscious possession as per law.

7. In the present facts and circumstances of this case, this Court is not inclined to grant bail to the petitioner at present. Accordingly, the prayer for bail of the petitioner is rejected.

8. This criminal miscellaneous application stands disposed of.

(Dr. Anshuman, J)

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