

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83305 of 2023

Arising Out of PS. Case No.-67 Year-2023 Thana- MATIHANI District- Begusarai

UJJAWAL KUMAR @ KAMAL S/o Sita Ram Chaudhary R/o Village-
Rahimpur, Nayagon, P.S-Khagaria, District-Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pritish Kumar Lal

For the Opposite Party/s : Mr.Umeshanand Pandit

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 02-01-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under section 25(1-b)a, 25(1-AA), 26, of the Arms Act.

3. As per FIR, the petitioner was apprehended on the spot when he along with other was assembled to commit an offence. On search one double barrel gun, one country made pistol loaded with two live cartridges were recovered.

4. Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. He has falsely been implicated in this present case merely on the basis suspicion. The petitioner has



no concern with the alleged recovery rather he has been made accused in this case due to high handedness of the police officials. The seizure list has not been prepared as per provision of law. As per Para-11, of the bail petition, the DSP and Arms Expert found that the recovered gun was inoperative and its trigger and firing pin was also defective. The petitioner is languishing in judicial custody since 13.05.2023.

5. Learned APP appearing for the State has vehemently opposed the prayer of Bail.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as judicial custody, this court is inclined to enlarge the petitioner on bail **after framing of charge, if not framed**. The above named petitioner is directed to be released on bail in connection with Matihani P.S. Case No. 67 of 2023 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-Ist Class, Begusarai.

(Sunil Kumar Panwar, J)

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