

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79343 of 2024

Arising Out of PS. Case No.-94 Year-2024 Thana- PURNAHYA District- Sheohar

Madhav Kumar, S/o Jitendra Paswan, Resident of - Gaushala Chowk, Ward No-19, P.S-Sitamarhi, Dist.-Sitamarhi, Bihar-843302.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Sagar Suman, Advocate

For the Opposite Party/s : Mr. Rajendra Nath Jha, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 29-01-2025 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. The accused/petitioner seeks bail in connection with Purnahiya P.S. Case No.94 of 2024 registered for the offences punishable under Sections 25(1-B)a, 26 and 35 of the Arms Act.

3. The accused/petitioner is named in the FIR and is in custody since 07.09.2024.

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

5. It is submitted by learned counsel appearing for the petitioner that the recovery of alleged country-made pistol



and live cartridges cannot be said to be recovered from conscious physical possession of the petitioner. It is further pointed out by learned counsel that the compliance of Section 105 of the Bhartiya Nagrik Suraksha Sanhita (for short 'BNSS') not appears to be followed in present case, which is otherwise mandatory. While concluding argument, it is submitted that investigation of this case is already completed, for which, charge-sheet has been submitted and, as such, there is no chance of tampering with the evidence.

6. Learned APP opposes the prayer for grant of bail to the petitioner.

7. In view of aforesaid factual submissions and by taking note of fact as the seizure of country-made pistol and live cartridges not appears to be made in compliance of Section 105 of the BNSS, coupled with the fact that investigation of this case is already completed, where petitioner is in custody since 07.09.2024, accordingly, the petitioner, above-named, is directed to be released on bail furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of



the learned S.D.J.M., Sheohar in connection with Purnahiya
P.S. Case No.94 of 2024, subject to the conditions as laid
down under Section 437(3) of the Code of Criminal Procedure
(for short ‘CrPC’)/under Section 480(3) of the BNSS.

(Chandra Shekhar Jha, J.)

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