

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79680 of 2024

Arising Out of PS. Case No.-193 Year-2024 Thana- MANSI District- Khagaria

Raj Babbar kumar S/O Subodh Yadav @ Subodh Kumar R/O Village- Balia
Lakhminiya Bazar, Ward No. 26, P.S- Balia, Distt.- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sabal Kumar Jha, Adv

For the Opposite Party/s : Mr. Syed Ehteshamuddin, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 22-01-2025 Heard the parties.

2. The petitioner seeks bail in connection with
Mansi P.S. Case No. 193 of 2024 registered for the
offence under Sections 25(1-B)a and 26 of Arms Act.

3. The petitioner is named in the F.I.R. and is in
custody since 29.07.2024.

4. The allegation against the petitioner is to have
in possession of three country made pistols alongwith five
live cartridges.

5. Learned counsel appearing on behalf of the
petitioner submitted that petitioner falsely implicated in
present case and the alleged country made pistols and



cartridges were recovered from a jute bag which not appears connected *prima facie* with this petitioner. It is also submitted that compliance of Section 100 of the Cr.P.C. not appears to be followed in present case and moreover, the seizure list witnesses appears police constables, who are interested witnesses, despite of availability of independent witnesses from nearby localities, which makes further the seizure list doubtful. While concluding the argument, it is submitted that petitioner found involved in one more criminal case, which is not of similar nature, where he is on bail and moreover, investigation of this case is completed and as such, there is no chance of tampering with the evidence.

6. Learned APP opposes the prayer of bail.

7. In view of aforesaid factual submission and by taking note of the fact that the recovery of country made pistols and live cartridges not appears *prima facie* to be made from conscious physical possession of this petitioner, coupled with fact that investigation of this case



is already completed, where petitioner is in custody since 29.07.2024, accordingly petitioner above named, is directed to be released on bail in connection with Mansi P.S. Case No. 193 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 C.J.M., Khagaria/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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