

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80700 of 2024

Arising Out of PS. Case No.-497 Year-2024 Thana- SONEPUR District- Saran

Shahjed Alam @ Diviliers @ Body Miya @ A.B. Diviliers Son of Liyakat Ali
Resident of Village - Kakrahat, Police Station - Derni, District - Saran

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mrs.Mili Kumari, Advocate

For the Opposite Party/s : Mr.Md. Matloob Rab,APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 18-01-2025 Heard learned counsel appearing on behalf of the

petitioner and learned A.P.P. for the State.

2. Petitioner seeks bail in connection with Sonepur

P.S. Case No. 497 of 2024 registered for the offences under

Sections 25(1-b)a, 26, 35 of the Arms Act corresponding to

Tr. No. 1875/2024.

3. The petitioner is named in the First Information

Report and is in custody since 11.06.2024.

4. Allegation against the petitioner is to have in

possession of one country made pistol and two live cartridges

along with other co-accused persons.

5. It is submitted by learned counsel appearing on

behalf of the petitioner that the recovery of country made



pistol and cartridges were made from an open place which is a mango orchard on instance of petitioner along with co-accused namely, Shivam Kumar, who has been granted bail by this Court through Cr. Misc. No. 63780 of 2024 dated 11.09.2024. It is further pointed out that the seizure list appears disputed being not supported by independent witnesses rather by police personnel.

6. While concluding argument, it is submitted that petitioner found involved in three criminal cases where he is on bail in two criminal cases and, moreover, investigation of this case is completed for which charge-sheet has been submitted and as such, there is no chance of tampering with the evidence.

6. Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

7. Considering the facts and circumstances as the recovery of fire-arms not appears to be made from conscious physical possession of this petitioner, coupled with the fact that investigation of this case has already completed, where petitioner is in custody since 11.06.2024, accordingly, above-



named petitioner is directed to be released on bail, furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate - 1st Class, Saran at Chapra/concerned court, in connection with Sonapur P.S. Case No. 497 of 2024, subject to the condition as laid down under Section 437(3) Cr.P.C/Section 480(3) of the Bhartiya Nyaya Suraksha Sanhita (in short “B.N.S.S.”).

(Chandra Shekhar Jha, J)

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