

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85785 of 2024

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

Akash Kumar @ Akash Rai S/O Mahesh Rai R/O Village- Manpur, P.S-
Sonepur, Distt.- Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajani Kumari
For the Opposite Party/s : Mr. Bhanu Pratap Singh

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 22-01-2025 Heard learned counsel appearing on behalf of the

petitioner and learned APP appearing on behalf of the State.

2. The petitioner seeks bail in connection with

Sonpur P.S. Case No. 497 of 2024 registered for the offence

under Sections 26(1-b), 26 and 35 of the Arms Act.

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

custody since 27.07.2024.

4. The allegation against the petitioner is having in

possession of one country-made pistol and two live cartridges

along with other co-accused persons.

5. Learned counsel appearing on behalf of the

petitioner submitted that the recovery of country-made pistol



was made from the possessions of co-accused, namely, Sahzad Alam, and on the basis of his disclosure only, petitioner was implicated with present case. It is submitted that admittedly no fire arms as alleged was recovered from the physical possession of this petitioner. It is submitted that seizure list appears disputed as same is not supported by independent witness rather by police personnel. It is further submitted that the similarly situated co-accused has already granted bail by this court through Cr. Misc. No. 63780 of 2024 vide order dated 11.09.2024. While concluding the argument, it is submitted that investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP opposes the prayer of bail.

7. In view of aforesaid facts and submission as alleged fire arms *prima-facie* not appears to be recovered from physical possession of this petitioner, coupled with fact that investigation has already been completed, where petitioner is in custody since 27.07.2024, accordingly, petitioner above named, is directed to be released on bail in



connection with Sonpur P.S. Case No. 497 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 CJM Saran at Chapra/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.)

S.Tripathi/-

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