

IN THE COURT OF ADDL. SESSIONS JUDGE-4, BUXAR

B.P. No. 112/2024

(Arising out of Buxar (Town) P. S. Case No.76/2024)

Manish Kumar, aged about 23 years, S/o Anil Kumar Singh, R/o- village Dahivar,
P.S. Buxar Industrial, Distt. Buxar.Petitioner.

versus

The State of Bihar

...Respondent.

Appearance :- For the petitioner:- Sri Ravi Ranjan Sinha, Ld. Advocate
For the State:- Sri Nand Gopal Prasad, Ld. P.P

Order dated: 12.03.2024

1. This bail petition has been filed under Section 439 of Criminal Procedure Code-1973 in connection with Buxar (Town) P. S. Case No.76/2024, registered under Section 25(1-B)a, 26 of the Arms Act. Petitioner is in custody since 05.02.2024. Copy of bail petition has already been served to Ld. P.P.
2. Learned counsel appeared on behalf of the petitioner and submitted that earlier no other bail petition under section 439 of Cr.P.C has been filed, decided or pending in any other court. The petitioner is innocent and he did not commit any offence. The petitioner has been falsely implicated in present case. The allegation made in the F.I.R is concocted, frivolous and baseless. Further submitted that in fact nothing has been recovered from conscious or physical possession of the petitioner rather police has planted to this petitioner knowingly in collusion with the owner of alleged restaurant mentioned in FIR. The police has not followed the mandatory provision of law which speaks a lot of volume about the falsity of this case. The petitioner is student and bears clean antecedent. There is no chance of absconding the petitioner from trial. In case of granting bail, the petitioner shall be abide by all terms and conditions imposed by the court. Hence, the petitioner deserves bail.
3. On the other hand learned P.P. vehemently opposed the prayer of bail.
4. Heard both parties. Case diary received. Record reveals that the petitioner is named accused in the FIR. As per version of FIR, main allegation on petitioner is that on 05.02.2024 at about 12:20 O'clock he was present at the Bhoj Raustaurant near Vishal Mega Mart, Buxar having illegal possession of a country made katta and three live cartridge. Test report of the alleged country made katta has been mentioned in

para no. 39 of case diary in which the said firearm has been shown not effected in working order. Copy of said report no. 370 dt. 05.03.2024 issued by Sarjent Major, Police Line, Bhojpur Ara is also enclosed in case diary. The petitioner is a student in Veer Kunwar Singh, University, Ara, copy of his admit card examination 2023 is enclosed with bail petition. No criminal antecedent of the petitioner has been brought on record by the prosecution. Having heard rival contention of both the parties and considering all the facts and circumstances of the case, this court is of view that the petitioner is in custody for last more than one month, investigation is pending and there is no possibility of concluding the trial in near future and no lawful purpose would be served by detaining the accused in more judicial custody and granting of bail to the petitioner is justifiable. Without expressing any opinion on merits of the case, the present bail petition is **allowed**. The petitioner is directed to be released on bail on furnishing bail bonds of Rs. 10,000/-with two sureties of like amount to the satisfaction of the Ld. court below. A copy of this order be sent to the concerned court.

(Dictated)

Sd/-

4th Addl. Sessions Judge, Buxar