

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50087 of 2016

Arising Out of PS.Case No. -504 Year- 2016 Thana -KHAGARIA District- KHAGARIA

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Baleshwar Yadav @ Buchchi Yadav, son of Siyo Yadav, resident of Village
Awashboard Tola Ramsotola, Police Station – Muffasil, District - Khagaria
..... Petitioner/s

Versus

The State of Bihar

..... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Anand, Advocate
Mr. Binod Kumar, Advocate
For the Opposite Party/s : Mr. Anil Prasad Singh, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 22-11-2016 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

Petitioner is languishing in judicial custody since
18.08.2016 in connection with Khagaria (Muffasil) P.S. Case No.
504 of 2016, G.R. No. 1738 of 2016 registered for the offence
punishable under Sections 25(1-b)A, 26 of the Arms Act.

The prosecution case is that the house of the
petitioner was searched and although nothing was recovered from
his conscious possession, but a bag containing a country made
pistol and one live cartridge of .315 bore and eight other cartridges
were recovered from the house of the petitioner.

It has been submitted by the learned counsel for the
petitioner that he is innocent and from perusal of the First
Information Report and the seizure-list, it appears that both the

First Information Report and the seizure-list were prepared on the same date and time and the witnesses were the police officials, hence, it is violation of Section 100 of the Cr.P.C. It has further been submitted that apart from another case, which has not been registered under the present sections, in which the petitioner is on bail, there is neither any other allegation nor he has any criminal antecedent. It has further been submitted that nothing has been recovered from the conscious possession of the petitioner.

Learned A.P.P. for the State submits that the petitioner was apprehended by the police and is named in the First Information Report, hence, opposes the prayer for bail.

Be that as it may, since charge-sheet has already been submitted, let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Khagaria in connection with Khagaria (Muffasil) P.S. Case No. 504 of 2016, G.R. No. 1738 of 2016.

(Nilu Agrawal, J.)

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