

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8484 of 2017

Arising Out of PS.Case No. -211 Year- 2015 Thana -KESARIA District-
EASTCHAMPARAN(MOTIHARI)

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Ashok Kumar Yadav, Son of Late Ram Janam Yadav, Resident of Village-
Bairagi Tola, P.S.- Kalyanpur, District- East Champaran.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma

For the Opposite Party/s : Mr. Shyam Bihari Singh

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 15-03-2017 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks bail in a case instituted under
Sections 25(1-b) a, 26, 35 of the Arms Act.

It is alleged that on the basis of confidential
information, the petitioner was apprehended with illegal arms and
thereafter one co-accused namely Yogi Thakur was apprehended
by the police and from him, one country made pistol without
barrel is said to have been recovered from his possession.

It has been submitted on behalf of the petitioner that the
petitioner is in custody since 24.09.2015. The charge sheet has
been submitted in the present case. There is no allegation of
tampering of witnesses alleged against the petitioner. The



petitioner has been made accused due to mistake of fact. The petitioner was apprehended in a case at Annexure-2 for an offence under Arms Act, in which, he has been granted bail by another co-ordinate Bench of this Court. The said order is Annexure-2/1 to the present application. After the arrest in the said case, his confession was recorded and on the confession, one country made pistol was recovered from the possession of co-accused namely Yogi Thakur. Subsequently, the petitioner was remanded in the present case. He has remained in custody for about one and half years. There is no compliance of Section 100 of the Cr.P.C.

On behalf of the state, it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 11th Additional Chief Judicial Magistrate, Motihari, East Champaran, in connection with Kesariya P.S. Case No. 211 of 2015.

(Sudhir Singh, J)

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