

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.61859 of 2018

Arising Out of PS. Case No.-73 Year-2018 Thana- MEHANDIGANJ District- Patna

Vijay Yadav @ Ganna Yadav, Son of Late Ashok Yadav @ Ashok Kumar Lal,
Resident of Village- Kath Ka Pul, P.S.- Mehandiganj, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jay Ram Prasad

For the Opposite Party/s : Mr. Dr. Indihar Kumari

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 12-12-2018 Learned counsel for the petitioner is permitted to make necessary correction in paragraph 3 of the petition, as prayed for.

Heard learned counsels for the parties.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 25(1-B)a and 26 of the Arms Act.

The prosecution case as per the self statement of SI Ram Shankar Kumar, SHO, Mehdiganj recorded on 6.9.2018 is to the effect that the informant went to arrest accused Sujit Yadav alias Bhallu Yadav with an arrest warrant and as soon as the informant reached at the PDS shop of his brother Vijay Yadav alias Ganna Yadav (petitioner), both of them managed to escape from the scene. However, on search being made, a country made loaded pistol was recovered from the third room of the



petitioner.

It is submitted by learned counsel for the petitioner that though the PDS shop is run by the petitioner but he is having possession of only two rooms and the room from which said recovery was made, is not in possession of the petitioner.

Learned APP after going through the case diary, submits that this verification has not been made whether the portion from which recovery of arms has been made, was in possession of the petitioner.

In the circumstances, let the petitioner above named be released on provisional anticipatory bail for a period of six weeks in the event of arrest or surrender within three weeks on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned SDJM, Patnacity in connection with Mehdiganj P.S. Case No.73 of 2018.

The learned court below will get the issue verified from the I.O. whether the portion from which the recovery of the said arms has been made, was in possession of the petitioner or not. If it was found to be in possession of the petitioner, the petitioner will surrender and pray for regular bail but if it is found that the place of recovery was not in possession of the petitioner, his provisional



bail will be confirmed.

(Dinesh Kumar Singh, J)

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