

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4157 of 2019

Arising Out of PS. Case No.-239 Year-2018 Thana- BAUNSI District- Banka

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Ashok Yadav, son of Tagdhu Yadav @ Tarni Yadav, Resident of village-
Bhurburi Bishanpur, P.S-Bounsi, District-Banka

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pranav Kumar Jha

For the Opposite Party/s : Mr. Mithlesh Kumar Khare

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 28-01-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since
21.10.2018 in a case registered for the offences punishable
under Sections 379 and 411 of the Indian Penal Code and
Sections 25(1-B)a, 26 and 35 of the Arms Act.

The prosecution case as per the written report of
Rakesh Kumar Gupta, S.H.O., Bounsi P.S. submitted to the
Chief Judicial Magistrate, Banka is to the effect that a secret



information was received to the effect that seven accused persons including the petitioner are taking away a stolen motorcycle. Subsequently, a raid was laid and seven accused persons were apprehended and it is further alleged that from the co-accused, Raja Ram Yadav, a country made pistol, live cartridges and Rs.3330/- were recovered.

It is submitted by learned counsel from the petitioner that the alleged recovery of arms and live cartridges were made from the co-accused, Raja Ram Yadav and only on the basis of suspicion, the recovery of alleged articles has been shown from all seven accused persons including the petitioner. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent. It is further submitted that co-accused Suraj Sah and Kundan Maholi have been granted privilege of bail by co-ordinate Bench of this Court vide order dated 17.01.2019 passed in Cr. Misc. No.298 of 2019.

Learned APP for the State submits that the recovery has been made from the accused persons including the petitioner.

Considering the nature of recovery, coupled with the statement made in paragraph no.3 of the petition that the



petitioner is not having any criminal antecedent, let the above
named petitioner 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 learned **Chief Judicial Magistrate,**
Banka in connection with **Bounsi P.S. Case No.239 of 2018.**

(Dinesh Kumar Singh, J)

Deepak/Rahul/-

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