

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9269 of 2019

Arising Out of PS. Case No.-138 Year-2018 Thana- RAMGARHWA District- East
Champaran

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Saurabh @ Chhotu Bharti @ Saurabh Bharati, aged about 26 years, Male, Son
of Chandra Shekhar Bharti, Resident of Naga Road, P.S.-Raxaul, District-East
Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Krishna Kant Singh

For the Opposite Party/s : Mr. Satyendra Narayan Singh

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 19-02-2019 Heard learned counsels for the petitioner and the

State.

The petitioner is apprehending arrest in a case registered
for the offences punishable under Sections 25(1-B)a, 26 and 35
of the Arms Act.

The prosecution case, as per the written report of self
statement of Rajesh Kumar, S.I.-cum-S.H.O., Ramgarhwa
Police Station, recorded on 27.06.2018, is to the effect that on
26.06.2018, the informant went to hold investigation in
connection with Sugauli P.S. Case No. 272 of 2018 and during
investigation, a raid was laid in the house of Sujeet Kumar
Yadav and from the husk house of Sujeet Kumar Yadav, one
country made pistol along with eight live cartridges were
recovered. On enquiry, Co-accused, Sujeet Kumar Yadav



confessed his involvement as well as involvement of the petitioner in Sugauli P.S. Case No. 272 of 2018.

It is submitted by learned counsel for the petitioner that admittedly recovery has not been made from the conscious physical possession of the petitioner. The name of the petitioner sprang up on the confession of apprehended co-accused, from whose possession, recovery has been made.

Learned APP submits that the name of the petitioner sprang up on the confession of apprehended co-accused.

Considering the fact that the materials on record do not suggest that recovery has been made from the conscious physical possession of the petitioner, let the above named petitioner be released on anticipatory bail in the event of arrest/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned S.D.J.M., Raxaul in connection with Ramgarhwa P.S. Case No. 138 of 2018, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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