

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23106 of 2019

Arising Out of PS. Case No.-65 Year-2017 Thana- MOKAMAH District- Patna

SHYAM SUNDAR YADAV Son of Lutan Yadav Resident of Village -
Kanhaipur Gahil Asthan, P.S.- Mokama, distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arjun Prasad

For the Opposite Party/s : Mr.Mukeshwar Dayal

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 07-05-2019 Heard learned counsel for the petitioner and learned
APP for the State.

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

Prosecution case, in short, is that on information
regarding firing of gun shot, when the informant reached the
place of occurrence, on seeing them, the accused persons tried
to flee away but were apprehended and a rifle along with 18 live
cartridges have been recovered.

It has been submitted on behalf of the petitioner that
the petitioner is in custody since 12.7.2018. There is no
allegation of tampering of witnesses alleged against the
petitioner. Charge-sheet has been submitted in the present case.
The petitioner has falsely been implicated in the present case.



There is no substantive evidence to suggest his implication in the present case. One rifle along with 18 live cartridges is said to have been recovered from the house of the petitioner. There is no compliance of Section 100 of Cr.P.C.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R. From the constructive possession of the petitioner, arms and ammunition are said to have been recovered. The petitioner has got 22 criminal antecedents.

Considering the nature of allegation, in the social interest, I am not inclined to grant bail to the petitioner in connection with Mokama P.S. Case No. 65/17. Prayer is rejected. The Trial Court is directed to expedite the trial preferably within a period of nine months from the date of receipt/production of a copy of this order.

(Sudhir Singh, J)

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