

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34316 of 2019**

Arising Out of PS. Case No.-687 Year-2018 Thana- KHAGARIA District- Khagaria

BALMIKI YADAV Son of Anik Yadav Resident of Village-Mathar (Mathair),
P.S-Mufassil, District-Khagaria.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shekhar Kumar Singh
For the Opposite Party/s : Mr.Ganesh Prasad Singh

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER**

2 27-05-2019 Heard learned counsels for the parties.

The petitioner is languishing in custody since 06-10-2018 in a case registered for the offences punishable under Sections 25(1-A), 25(1-AA), 25(1-B) a, 26 (i) (ii) (iii) and 35 of the Arms Act.

The prosecution case as per the self-statement of Shambhu Kumar Paswan, SHO of Khagaria Mufassil police station is to the effect that during the patrolling duty, the informant heard sound emitting due to clanging of iron and subsequently, laid a raid when other accused persons flee away, but the petitioner was apprehended and it was found that the arms were being manufactured. It is further alleged that some raw materials used for manufacturing arms and some semi-finished arms were recovered.



It is submitted by learned counsel for the petitioner that there is no recovery of arms from the possession of the petitioner. It is further submitted that the place of recovery belongs to one Siwan Yadav. However, the petitioner is accused in two other cases of the Arms Act in which he is on bail.

Learned APP submits that the petitioner has been apprehended from the place of recovery.

Considering the fact that the investigation has already been concluded, recovery has not been made from the conscious physical possession of the petitioner and the period in custody, 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 Special Judge, Excise, Khagaria in connection with Khagaria (Mufassil) P.S. Case No. 687 of 2018.

(Dinesh Kumar Singh, J)

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