

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21992 of 2020

Arising Out of PS. Case No.-263 Year-2019 Thana- SALAKHUA District- Saharsa

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Mausham Yadav Son of Subhash Yadav Resident of Karhara, P.S.- Salkhua
(O.P. Chiraiya), District - Saharsa.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar Pandey, Adv.

For the Opposite Party/s : Ms. Gulnar Begum, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

4 15-12-2020 Heard learned counsel for the petitioner and learned
counsel for the State via video conferencing.

2. The petitioner seeks pre-arrest bail in connection with Salkhua P.S. Case No. 263 of 2019 registered for the offences punishable under Sections 25(1-B)a and 26 of the Arms Act.

3. It is submitted by the learned counsel for the petitioner that the hut from which the recoveries of arms and ammunition were made does not belong to the petitioner. The details of the land on which the hut is situated from where the alleged recoveries were made are not mentioned. He contended that the petitioner has got no criminal antecedent and has been made a scapegoat in the instant case by the police.



4. Learned counsel for the State has opposed the application for grant of bail to the petitioner. She contended that there is specific allegation in the first information report that the hut belongs to the petitioner from where two country made pistol and live cartridges were recovered.

5. Considering the alleged recovery of two loaded country made pistol and live cartridges from the hut belonging to the petitioner, I am not inclined to grant him pre-arrest bail. His application for grant of pre-arrest bail is, hereby, rejected.

6. In case, the petitioner surrenders and seeks bail, the same shall be considered and disposed of on its own merit without being prejudiced in any manner by this order.

7. Since the court proceedings are being conducted through virtual mode and normal court functioning has not been restored till date, it is considered appropriate to adopt the following procedure for communication of the present order:-

(I) The order, which has been dictated during the course of proceeding of the virtual court, shall be communicated to me on my e-mail by the Sr. Secretary.

(ii) The corrected copy of the order shall be transmitted by me from my e-mail id to the Sr. Secretary, which shall be treated to be an authentic copy of the order passed by



this Court in the present proceeding.

(iii) Hard copy of the order duly signed by me shall be preserved in my residential office for documentation and future use, if any.

(iv) Let steps be taken by the Sr. Secretary/registry for up-loading of the present order without compromising with the norms of social distancing.

(Ashwani Kumar Singh, J)

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