

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34928 of 2020

Arising Out of PS. Case No.-23 Year-2016 Thana- PHULWARIYA District- Gopalganj

RAMASHANKAR PRASAD YADAV Son of Late Chit Chaudhary Resident
of Village - Koaladewa Madarwani, P.S.- Phulwaria, Distt.- Gopalganj.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Yogendra Prasad Sinha

For the Opposite Party/s : Mr. Ashok Kumar, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 21-12-2020 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel appearing for the petitioner and Shri Ashok Kumar, learned A.P.P. for the State.

The petitioner seeks regular bail in connection with Phulwariya P.S. Case No. 23 of 2016 for the offence punishable under Sections 25(1-b) (a), 26 and 27 of the Arms Act.

The informant has disclosed in his self statement that on 15.03.2016 a about 14.15 hours while he was investigating another case and had proceeded from the police station with the police force, he received secret information that one miscreant namely Suman Prasad, who had earlier fired upon the police, has opened a flower shop whereafter the police party had



arrived at the flower shop of the said Suman Prasad, however, the said Suman Prasad fled away but the police caught one lady namely Subhawati Devi, who was locking the flower shop and then search was made in the rented room of the said Subhawati Devi and one country made pistol and six live cartridges were found from under the pillow and upon being interrogated she disclosed that the said miscreant Suman Prasad and the petitioner had kept the country made pistol and live cartridges at that place.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and is languishing in custody since 07.06.2020. The learned counsel for the petitioner has further submitted that neither any illicit arms have been recovered from the possession of the petitioner nor the house from where the said arms have been recovered, belongs to the petitioner, hence the petitioner is having no complicity in the matter.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the fact that neither the



house in question belongs to the petitioner nor any illicit arms have been recovered from the petitioner herein, I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the petitioner, above named, is directed to 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 Judicial Magistrate-1st Class, Gopalganj in connection with Phulwariya P.S. Case No. 23 of 2016.

(Mohit Kumar Shah, J)

S.Sb/-

U		T	
---	--	---	--

