

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6190 of 2021

Arising Out of PS. Case No.-198 Year-2020 Thana- KOTWALI District- Munger

SAURAV RAJ @ CHHOTU SON OF SHIVNANDAN PRASAD YADAV @
Shiv Nandan Pd. Yadav Resident of Village - Krishnapuri, P.S.- Purabsarai
(O.P.), Kotwali, Dist.- Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Suman Kumar Mishra

For the Opposite Party/s : Mr. Ram Sumiran Roy

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 09-04-2021 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State, through video
conferencing.

The petitioner seeks regular bail in connection with
Kotwali (Purabsarai) Police Station Case No. 198 of 2020,
registered for the offence punishable under Sections 25(1-A)/26
(I) (ii)/35 of the Arms Act.

The prosecution case, as per the First Information
Report, is that the police, on the basis of the secret information
that one Sunil Kumar Yadav has stored illegal Arms in his
house, proceeded towards the house of said Sunil Kumar Yadav
and recovered one country-made musket rifle, along with three
live cartridges from the said house and arrested the petitioner.



Learned Counsel for the petitioner submits that from perusal of the First Information Report and the seizure list, it would be evident that the illegal rifle has been recovered from the house of co-accused Sunil Kumar Yadav and the petitioner has falsely been implicated in this case merely because he happens to be the nephew of said co-accused Sunil Kumar Yadav and is residing beside the house of Sunil Kumar Yadav. He next submits that the petitioner is a student and is studying in Intermediate. He further submits that the petitioner is in custody since 18.07.2020, having no criminal antecedent and charge sheet has already been submitted against the petitioner, and as such, there is no chance of the petitioner being abscond or tamper with the evidence.

Having heard learned Counsel for the parties and taking into consideration the materials on record and the fact that illegal rifle was recovered from the house of co-accused Sunil Kumar Yadav and not from the house or conscious possession of the petitioner and the petitioner is in custody since 18.07.2020, having no criminal antecedent and charge sheet has been filed against him, I am inclined to grant regular bail to the petitioner.

This application is, accordingly, allowed.



Let the petitioner, above named, be released on bail, upon furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Munger, in connection with Kotwali (Purabsarai) Police Station Case No. 198 of 2020.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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