

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40414 of 2020

Arising Out of PS. Case No.-201 Year-2020 Thana- CHAUTHAM District- Khagaria

BITTU KUMAR, Son of Agnilal Yadav @ Bauku Yadav Resident of Village-
Nandlali, P.S.- Bihra, District- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Mishra, Advocate

For the Opposite Party/s : Mr. Nawal Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 08-03-2021 Heard Mr. Pramod Mishra, learned Counsel for the

petitioner and Mr. Nawal Kishore Prasad, learned Additional

Public Prosecutor for the State, through Video Conferencing.

This application, for grant of regular bail, arises out
of Chautham Police Station Case No. 201 of 2020, disclosing
offences under Sections 25(1-b)a, 26/35 of the Arms Act.

The allegation, as per the First Information Report
is that a secret information was received from STF, Patna that
illegal weapons were being carried by a vehicle, intercepted the
vehicle and upon search, desi katta of 7.62 mm with five live
cartridges and extra cartridge were recovered from the driving
seat in a white box and a full iron desi Katta 7.62 mm with five
live cartridges were recovered from the waist of the petitioner
and also an extra magazine with five live cartridges were also



recovered from the jeans of the petitioner along with one mobile phone and another arms were recovered from possession of the co-accused persons, who were travelling in the said vehicle owned by the petitioner.

Learned counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged. Learned counsel next submits that no independent witness has signed the seizure list and the seizure list has not been prepared in accordance with the provisions of Section 100 Cr.P.C.

Learned counsel for the State while opposing the bail application submits that fire arms along with cartridges have been recovered from the petitioner and other co-accused sitting in the XUV300 vehicle owned by the petitioner and the petitioner has got criminal antecedent. As such he is not entitled to be granted bail.

Having regard to the submissions made by the parties and taking into consideration the materials on record and the fact that the illegal arms and cartridges have been recovered from the possession of the petitioner and he is having criminal antecedent also, I am not inclined to grant regular bail to the petitioner and accordingly, this bail application is rejected.

However, the petitioner may renew his prayer for bail



after six months from today, if the trial does not show any progress.

(Anil Kumar Sinha, J.)

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