

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3935 of 2021

Arising Out of PS. Case No.-97 Year-2020 Thana- GWALPARA District- Madhepura

NANDAN YADAV Son of Late Janadhan Yadav Resident of Village -
Dumariya, Ward No. 11, P.S. Murliganj, District - Madhepura.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra, Advocate.

For the Opposite Party/s : Mr. Chandra Bhusan

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 23-03-2021 Heard learned counsel for the petitioner and learned A.P.P.
for the State through virtual court proceeding.

Learned counsel for the petitioner undertakes to remove the defects within four weeks of resumption of normal court proceeding. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioner seeks bail in connection with Gwalpara (Arar) P.S. Case No. 97 of 2020 registered for the offence punishable under Sections 25 (1-B)a, 26, 35 of the Arms Act.

The prosecution story of the case as per the informant Mukesh Kumar Singh, A.S.I. is that on 23.07.2020, during the course of day patrolling near Paaki road and Parokia, he saw two persons riding on a motorcycle and when the police asked



the motorcycle to stop, they try to flee but was apprehended by the Police. When the apprehended persons were searched in presence of the independent witnesses a loaded country made pistol was recovered from the possession of Nandan Yadav clasped in his lungi while a live cartridge was recovered from the pocket of Utsav Kumar. The accused persons could not produce any document regarding the recovered arms and cartridge, the recovered arms and ammunition were then seized and the seizure list was duly prepared and present case instituted.

It is submitted by learned counsel for the petitioner that petitioner has been falsely implicated in this case and has not committed any offence as alleged in the FIR. He is quite innocent and during the course of investigation no direct or indirect evidence has been found against the petitioner. The allegation whatsoever levelled against the petitioner is out and out false and manufactured by the Police. No incriminating article has been recovered from his conscious physical possession.

Learned counsel for the petitioner further submits that the allegation levelled against the petitioner is not specific rather general and omnibus in nature. The petitioner has no criminal



antecedent as mentioned in Para 3 of the bail application and he has been languishing in custody since 24.07.2020.

Learned APP for the State opposed the bail petition.

Considering the facts aforesaid, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M. II, Madhepura in connection with Gwalpara (Arar) P.S. Case No.97 of 2020.

(Anjani Kumar Sharan, J)

GAURAV S./-

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