

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6008 of 2021

Arising Out of PS. Case No.-200 Year-2020 Thana- MANSI District- Khagaria

RAKESH YADAV Son of Bhogi Yadav Resident of Village- Thatha, P.S.-
Mansi, Distt- Khagaria.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Singh, Advocate
For the Opposite Party/s : Mr. Ashok Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 15-04-2021 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 Mansi P.S. Case No. 200 of 2020, G.R. No. 2010 of 2020 registered for the offence punishable under Sections 25(1-AA)/26/35 of the Arms Act.

As per the prosecution case, acting on a tip of information that illegal weapon deal is about to happen, the informant along with other police personnel started search of motorcycle at



Balha Khirniya Waterwage Bandh. In course of search two persons riding on a motorcycle tried to flee away but they were apprehended by the police and 10 semi prepared pistol and one Honda motorcycle, and mobile phones were recovered from their possession. Further 05 semi-prepared pistol and three magazines have been recovered from the house of co-accused Chhatis Kumar and accordingly the seizure list was prepared.

It is submitted by learned counsel for the petitioner that petitioner has falsely been implicated in this case and has not committed any offence as alleged in the FIR. He submits that petitioner is absolutely innocent and committed no any offence as alleged against him rather he has falsely been implicated in the present case due to monopoly of police. He submits that from the backdrop of the case it appears that in fact the petitioner was driving the motorcycle and in the way Chhatis Yadav indicated to stop the vehicle upon which the petitioner stopped his motorcycle then Chhatis Yadav rode on motorcycle, the petitioner had no knowledge about the country made pistol which was in possession of co-accused Chhatis Yadav. No incriminating article has been recovered from his conscious physical possession. 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 this bail application and he is languishing in custody since 09.07.2020.

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 court below where the case is pending in connection with Mansi P.S. Case No. 200 of 2020, G.R. No. 2010 of 2020.

(Anjani Kumar Sharan, J)

GAURAV S./-

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