

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6910 of 2022

Arising Out of PS. Case No.-378 Year-2021 Thana- MURLIGANJ District- Madhepura

Dhirendra Yadav Son of Late Kailash Bihari Yadav Resident of Village - Pokhram Parmanand Pur, Ward No.13, @ Khirkhirya Parmanand Pur Ward No.13, P.S.- Murliganj, Distt.- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sushil Kumar Jha, Advocate
For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 29-08-2022 Heard learned counsel appearing on behalf of the petitioner and learned APP appearing on behalf of the State.

Let the defect(s), if any, be removed within a period of four weeks from today.

The petitioner seeks bail in connection with Murliganj P.S. Case No. 378 of 2021 registered for the offence under Sections 25(1-b)a, 26 and 35 of the Arms Act.

The accused/petitioner is named in the F.I.R. and is in custody since 06.12.2021.

The allegation against the petitioner is to have in possession of one country made pistol.



Learned counsel appearing on behalf of the petitioner submitted that the alleged country made pistol was recovered from one of the room of the house of the petitioner, which is accessible by other family members and, as such, it cannot be said to be recovered from the conscious physical possession of the petitioner. It is pointed out that petitioner is involved in one more criminal case, which is long back of 1998, in which he is acquitted. It is also submitted that the seizure list is disputed, as same is not supported by independent witnesses. While concluding the argument, it is submitted that investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, while opposing the prayer of bail, submitted that recovery of pistol was made from the bed of the petitioner.

In view of the facts and circumstances, as mentioned above, as recovery of country made pistol cannot be said to be made from the conscious physical possession of the petitioner coupled with the fact that chargesheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Murliganj P.S. Case No. 378 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten



Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-II, Madhepura/concerned Court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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