

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7286 of 2022**

Arising Out of PS. Case No.-95 Year-2021 Thana- SAKURABAD District- Jehanabad

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ARUN YADAV SON OF NATHUN YADAV R/O VILLAGE- BANDHU
BIGHA, P.S.- SHAKURABAD, DISTRICT- JEHANABAD

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar No1, Advocate

For the Opposite Party/s : Ms. Rina Sinha, APP

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

3 11-10-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel 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 Shakurabad
P.S. Case No. 95 of 2021 registered for the offence under Sections
25(1-b)a and 26 of the Arms Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 14.06.2021.

The allegation against the petitioner is to have in
possession of one loaded country made pistol along with one live
cartridge.

Learned counsel appearing on behalf of the petitioner
submitted that recovery of alleged firearms were made from the
house of petitioner and as such, it cannot be said that the recovery



was made from conscious possession of the petitioner. It is also submitted that compliance of Section 100 (4) of the Cr.P.C. was not made, as seizure list is not supported by independent witnesses rather same is supported by local '*Chaukidar*'. While concluding the argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as recovery of alleged firearms not appears from conscious physical possession of the petitioner in the background of custody period coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Shakurabad P.S. Case No. 95 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 J.M. 1st Class, Jehanabad/concerned court, subject to the condition as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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