

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9579 of 2022

Arising Out of PS. Case No.-48 Year-2021 Thana- BARH District- Patna

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Pintu Yadav @ Rahul Yadav S/o Krishan Kumar Yadav Resident of Village-
Dayachak, P.S.- Barh, Dist- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prem Kumar, Advocate
For the State : Mr. Navin Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 30-08-2022 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 Barh P.S.
Case No. 48 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 09.07.2021.

The allegation against the petitioner is to have in
possession of five live cartridges alongwith magazine.

Learned counsel appearing on behalf of the petitioner



submitted that recovery of alleged cartridges alongwith magazine were recovered from room of the house of the petitioner, which is accessible by other family members and, as such, it cannot be said that the recovery was made from the physical possession of the petitioner. It is submitted that name of the petitioner involved in this case due to his criminal antecedents only, as he was involved in the six more criminal cases, in which he is on bail. It is further submitted that the seizure list is also 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, fairly conceded that recovery was made from the house of the petitioner.

In view of the facts and circumstances, as mentioned above, as recovery cannot be said to be made from the conscious physical possession of the petitioner, in the backdrop of the disputed seizure list 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 Barh P.S. Case



No. 48 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 Judicial Magistrate- 1st Class, Barh/concerned Court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

Ankit/-

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