

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21293 of 2022

Arising Out of PS. Case No.-99 Year-2021 Thana- BADHAILA District- Rohtas

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Anant Yadav Son of Ram Lakhan Singh @ Lakhan Yadav @ Lallan Yadav
Resident of Village- Baraon, P.S.- Baghaila, District- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Chandra Mohan Jha, Advocate

For the Opposite Party/s : Mr. Abhay Kumar Roy, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 02-09-2022 Heard learned counsel appearing on behalf of the

petitioner and learned APP appearing on behalf of the State

through virtual Court proceedings.

Let the defect(s), if any, be removed within a period of

four weeks from today.

The petitioner seeks bail in connection with Baghaila

P.S. Case No. 99 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 24.12.2021.

The allegation against the petitioner is to have in

possession of one countrymade pistol, alongwith eight live

cartridges.

Learned counsel appearing on behalf of the petitioner



submitted that the alleged recovery was made from the house of the petitioner, which was accessible by other family members, as such, it cannot be said that alleged fire arms were recovered from the conscious physical possession of the petitioner. It is submitted that seizure list appears to be doubtful, as same is not supported by independent witnesses. It is also submitted that compliance of Section 100 of the Cr.P.C. was not made in the present case, while searching the premises. It is pointed out that petitioner is involved in six more criminal cases, where he has already been acquitted in three cases and on bail in rest of the three cases. 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, while opposing the prayer of bail, fairly conceded the fact that seizure list is supported by police personnel.

In view of the facts and circumstances, as mentioned above, as alleged recovery of fire arm cannot be said to be made from the conscious physical possession of the petitioner, in the background of 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 Baghaila P.S. Case No. 99 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, Sasaram, Rohtas/concerned Court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

Ankit/-
Archana/-

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