

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39792 of 2022

Arising Out of PS. Case No.-102 Year-2022 Thana- SASARAM NAGAR District- Rohtas

Subhash Yadav S/o Ramesh Singh R/o- Khoriya, P.S.- Kargahar, and Dist.-
Rohtas at Sasaram.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Singh, Advocate

For the Opposite Party/s : Mr. Satyendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 03-11-2022 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 Sasaram
Rown P.S. Case No. 102 of 2022 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 05.02.2022.

The allegation against the petitioner is to have in
possession of one country-made loaded pistol, which was
recovered from a bush in furtherance of confessional statement
of this petitioner.

Learned counsel appearing on behalf of the petitioner



submitted that petitioner was remanded in this case, while arresting in Darigaon P.S. Case No. 100 of 2022 and in furtherance thereof, recovery was made from a bush, which is an open place and accessible by general public and therefore, the false implication cannot be ruled out. It is also submitted that similarly situated co-accused person has already been granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 35769 of 2022 vide order dated 19.09.2022. While concluding the argument, it has been submitted that investigation has been completed, for which, charge-sheet has 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 alleged recovery of fire arms was made from an open place, which is accessible by general public coupled with the fact that charge-sheet has already been submitted, where petitioner is in custody since 05.02.2022, let the petitioner, above named, is directed to be released on bail in connection with Sasaram Town P.S. Case No. 102 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned



Chief Judicial Magistrate Rohtas at Sasaram/concerned court,
subject to the conditions as mentioned under Section 437 (3) of
the Cr.P.C.

(Chandra Shekhar Jha, J)

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