

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46246 of 2022

Arising Out of PS. Case No.-109 Year-2022 Thana- JOGAPATTI District- West Champaran

Chhotu Kumar Yadav S/o Sri Ramji Yadav @ Ramji Prasad Yadav Resident
of Village- Guruwaliya, P.S.- Bettiah Muffasil, (Manuapul), District- West
Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma, Advocate

For the Opposite Party/s : Mrs. Sharda Kumari, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 08-12-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

Heard learned counsel for the petitioner and the
learned APP for the State.

Petitioner seeks regular bail in connection with
Jogapatti P.S. Case No.109 of 2022 registered for the offence
punishable under Section 414/34 of the Indian Penal Code.

As per the prosecution, while the informant along
with other police personnel were on regular patrolling duty
apprehended this petitioner along with other co-accused persons
and from the possession of this petitioner a toy like pistol, a
dagger and a master key were recovered.



The main submissions advanced by the learned counsel Mr. Umesh Chandra Verma appearing for the petitioner are that the petitioner has fair and clean antecedent and he has been languishing in jail since 28.02.2022 and as per the prosecution a pistol-type toy, a knife, a key and a mobile phone were allegedly recovered from the possession of this petitioner but the recovered knife and pistol-type toy do not fall in the definition of arms, hence no offence under Arms Act was added in the FIR and the alleged motorcycle was not recovered from the conscious possession of the petitioner and total three persons including the petitioner were apprehended at the spot and one co-accused namely Kishlay Kumar @ Kishlaya Kumar Yadav who was apprehended at the spot along with this petitioner has been granted bail by a co-ordinate Bench of this Court vide order passed in Cr. Misc. No. 35717 of 2022.

Learned APP Mrs. Sharda Kumari appearing for the State has opposed the bail prayer.

Having considered the above submissions and mainly taking into account the petitioner's fair and clean antecedent and his custody period, in the opinion of this Court a lenient approach can be taken in respect of the petitioner's prayer, let the petitioner be released on bail on furnishing bail bond of



Rs.10,000/-(Ten Thousand) with two sureties of the like amount
each to the satisfaction of the concerned Court in connection
with Jogapatti P.S. Case No.109 of 2022.

(Shailendra Singh, J.)

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