

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72043 of 2021

Arising Out of PS. Case No.-490 Year-2020 Thana- BIHIA District- Bhojpur

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1. SHRI KISHUN YADAV @ SRI KRISHNA YADAV S/o Late Dudhnath Yaddav R/o village- Karja, P.S.- Bihiya (Bhornpur O.P.), District- Bhojpur
 2. Kamlesh Yadav S/o Sri Kishun Yadav R/o village- Karja, P.S.- Bihiya (Bhornpur O.P.), District- Bhojpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sheo Jee Mishra, Advocate
For the Opposite Party/s : Mr. Atul Chandra, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 23-05-2022 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners seek bail in a case registered for the offences punishable under Sections 25(1-b)a, 26 and 35 of the Arms Act.

Learned counsel for the petitioners submits that the petitioners are in custody since 28.08.2021, charge-sheet has been submitted in the case, petitioner no.1 has antecedent of one case and petitioner no.2 has antecedent of two cases.

The informant alleges that on 26.12.2020 at about 4.15 pm, on the basis of secret information, he along with his armed forces reached at the place of occurrence from where two double barrel gun, three live cartridges were recovered and one



broken two-barrel gun was recovered from the house of Kamlesh Yadav (petitioner no.2) but the petitioners fled away.

Learned counsel for the petitioners submits that the petitioners were not arrested from the spot and have been falsely implicated in the present case due to their antecedents and nothing was recovered from their house. It is further submitted that petitioner no.1 is 82 years old man and the police all of a sudden has made him a criminal merely because it is alleged that arms were found from his house.

Learned A.P.P. for the State opposes the prayer for bail of the petitioners.

Considering the fact that the petitioners are in custody since 28.08.2021, charge-sheet has been submitted in the case and the petitioners were not arrested from the spot, let the petitioners above named be released on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Behiya (Bahoranpur O.P.) P.S. Case No. 490 of 2020.

(Satyavrat Verma, J)

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