

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10809 of 2023

Arising Out of PS. Case No.-32 Year-2020 Thana- PARBATTI District- Khagaria

JIVAN YADAV @ JIVAN KUMAR Son of Chandra Shekhar Yadav R/V-
Baisa, P.S- Parbatta,(Maraiya) Dist- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Sumiran Rai

For the Opposite Party/s : Mr. Bhanu Pratap Singh

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 10-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 25(1-b)a/26 & 35 of Arms Act.

As per FIR, prosecution case relates to recovery of a carbine and two magazines from possession of co-accused who disclosed the name of the petitioner.

Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case. The petitioner has no concern with the alleged arms which was seized by the police or with the co-accused. The name of the petitioner has come into light in the present case only on the basis of disclosed made by



apprehended co-accused namely, Chandrashekhar Yadav which has got no evidentiary value in the eye of law. Neither the petitioner was arrested on spot nor any incriminating article has been recovered from his conscious possession. It is further submitted that the petitioner has got no criminal antecedents and languishing in judicial custody since 2.7.2022.

Learned APP appearing for the state has opposed the prayer of regular bail.

Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Parbatta (Maraiya) P.S. Case No. 32 of 2020 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Khagaria.

(Sunil Kumar Panwar, J)

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