

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16543 of 2023

Arising Out of PS. Case No.-680 Year-2021 Thana- KHAGARIA District- Khagaria

Hemant Kumar S/o Nand Kishore Yadav, R/o Village- Korara Diyara, P.S-
Morkahi, Distt.- Khagaria, At Present Resident of Village- Santosh, P.S-
Alauli, District Khagaria. Petitioner/s

Versus

The State of Bihar. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Birendra Kumar Singh, Adv.

For the Opposite Party/s : Mr. Mithlesh Kumar Khare, Adv.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 10-05-2023 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Khagaria (Chitragupt Nagar) P.S. Case No. 680 of 2021 dated
26.08.2021 (G.R. No. 2721 of 2021), lodged under Sections
25(1-b)a, 26(1), 35 of the Arms Act.

As per prosecution case, the name of petitioner has
been figured in this case by virtue of the courier for supply of
arms as mentioned in the F.I.R.

Learned counsel for the petitioner submits that from
the seizure list, it transpires that nothing has been recovered from
the possession of petitioner. He further submits that name of
petitioner has been figured in this case by virtue of confessional
statement of co-accused from whose possession the arms have



been recovered. Learned counsel for the petitioner further submits that two criminal cases pending against the petitioner, in which, he is on bail in both the cases and he is in custody since 20.01.2022.

Learned counsel for the State opposes the prayer for bail and submits that recovery has not been made from the possession of petitioner but his name has been figured from the confessional statement of co-accused from whose possession recovery of arms have been made.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned J.M.-Ist, Khagaria in connection with Khagaria (Chitragupt Nagar) P.S. Case No. 680 of 2021 (G.R. No. 2721 of 2021), subject to the conditions as laid down under Section 437(3) of Cr.P.C.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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