

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48433 of 2023

Arising Out of PS. Case No.-74 Year-2023 Thana- BIRAUL District- Darbhanga

ANKIT KUMAR @ ANKIT YADAV, S/O SHYAM YADAV, R/O Village-
Naya Tola, Jurabganj, P.S- Kodha, Distt.- Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anup Kumar Pandey, Advocate

For the Opposite Party/s : Mr.Dinesh Singh, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 2 03-08-2023 1. Heard learned counsel for the petitioner and the learned APP for the State.
2. Petitioner seeks regular bail in connection with Biraul P.S. Case No. 74 of 2023 (G.R. No. 136 of 2023) dated 01.03.2022 registered for the offence(s) punishable under Section(s) 414 of the Indian Penal Code and Section(s) 25(1-b)a, 26, 35 of Arms Act.
3. The main submissions advanced by the learned counsel for the petitioner are that the instant matter relates to the recovery of fire-arms from the possession of this petitioner and co-accused Sunny Yadav and from their possession same type of weapons were recovered which casts a doubt in the said recovery of fire-arms and the witnesses of the seizure list are police personnel and there is no independent witness. Further



submissions are that though against the petitioner there are criminal antecedents of five cases but three of them relate to same police station where the FIR of the present matter was registered and moreover FIR of all the said cases of antecedents were lodged just some days before the institution of the FIR of the present matter, which shows that petitioner was made accused in the said cases mechanically by the police. Further submission is that petitioner has been languishing in jail since 02.03.2023 and against him the investigation has been completed.

4. Learned APP appearing for the State opposes the bail prayer.

5. Heard both the sides, perused the FIR and seizure list. Though, the instant matter relates to the recovery of fire-arms and petitioner has criminal antecedents but considering the completion of investigation against him and also the fact that all the witnesses including the witnesses of seizure, who are to be examined in the trial of the petitioner are official persons, so a lenient approach can be taken in respect of petitioner's prayer. Accordingly, **let the petitioner be released on bail, after framing of charge, if the same has not been framed**, in connection with Biraul P.S. Case No. 74 of 2023 (G.R. No. 136



of 2023) on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned.

(Shailendra Singh, J)

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