

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49400 of 2023**

Arising Out of PS. Case No.-96 Year-2023 Thana- BALIYA District- Begusarai

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Amarjeet Yadav S/O Indradeo Yadav @ Ino Yadav R/O Village- Mushechak
Lakhminiya, Ps. Shahpur Kamal, Dist. Begusarai.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shivanand Singh, Adv.
For the Opposite Party/s : Mr. Shailendra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 11-08-2023 Heard learned Counsel for the petitioner and learned
APP for the State.

2. The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 25(1-b), 26 and 35 of the Arms Act.

3. As per the prosecution, upon secret information the police recovered one country made pistol and 100 pieces of live cartridges from one Sudheer Kumar.

4. It is submitted by learned counsel for the petitioner that petitioner is innocent and has committed no offence. Counsel submits that the said Sudheer Kumar has been apprehended from the place of occurrence and on his statement present petitioner has been apprehended. From the seizure list also it transpires that the recovery has been made from the Sudheer Singh and the petitioner's name has come on record due to the confessional statement of the apprehended person. He submits that in the light

of **Tofan Singh Vs. State of Tamil Nadu, AIR 2020 SC 5592**, on the basis of confessional statement made by the apprehended person punishment can not be made. Counsel further submits that the petitioner is a resident of Begusarai, while the apprehended co-accused Sudheer Kumar is a resident of Khagariya. He submits that there are 5 criminal cases pending against the petitioner due to which police transplanted this case against him.

5. Learned APP for the State opposes the prayer for bail.

6. In the present facts and circumstances, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 6 weeks from today, on furnishing bail bond of Rs. 30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Begusarai in connection with Balia P. S. Case No.96 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. It should be made clear that the petitioner shall appear before the Trial Court each and every day, failing which his bail bond should be cancelled.

(Dr. Anshuman, J.)

Ashishsingh/-

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