

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49508 of 2022

Arising Out of PS. Case No.-247 Year-2021 Thana- BAJPATTI District- Sitamarhi

Gautam Kumar Yadav, S/o Purshottam Yadav, R/o village- Paktola, P.S.-
Dumra, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Advocate Mr. Pushpendra Kumar Singh, Advocate Smt. Divya Bharti, Advocate
For the Opposite Party/s :		Mr. Syed Ehteshamuddin, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

6 18-04-2023 Let the defect(s), if any, pointed out by the office be removed within three weeks from the date of this order failing which the matter be listed again under the appropriate heading for necessary action.

2. Heard learned senior counsel for the petitioner and the learned APP for the State.

3. Petitioner seeks regular bail in connection with Bajpatti P.S. Case No. 247 of 2021 dated 12.08.2021 registered for the offences punishable under Sections 25(1-b)a, 26, 35 of the Arms Act.

4. The main submissions advanced by the learned senior counsel for the petitioner are that the alleged offences are triable by the Court of Magistrate and the petitioner neither



looted the motorcycle in question nor he was arrested from the vehicle nor from his possession any recovery of fire-arms was made, though against him there are criminal antecedents of five cases but he is on bail in four cases of the said antecedents and his bail prayer is pending in the fifth case and in the instant matter the petitioner has been languishing in jail since 12.08.2021 and his trial has started. Further submission is that as per the prosecution's case, the motorcycle of the informant of Bajpatti P.S. Case No. 246 of 2021 was looted by the miscreants but after seeing the police vehicle, the miscreants fled away after leaving the looted motorcycle as well as their motorcycle and in the present matter no Test Identification Parade has been conducted by the police.

5. Learned APP appearing for the State has opposed the bail prayer.

6. Considering the above submissions and mainly the petitioner's custody period and also the fact that his trial has started as per report sent by the trial Court and the offences charged upon him are triable by the Court of Judicial Magistrate, in the opinion of this court, the petitioner deserves to a lenient approach of this court. Accordingly, let the petitioner be released on bail in connection with Bajpatti P.S. Case No.



247 of 2021 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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