

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64603 of 2023

Arising Out of PS. Case No.-4 Year-2023 Thana- CHEWARA District- Sheikhpura

Chotu Yadav Son Of Rajendra Yadav R/O Vill - Kamalgarh, P.S. - Chewara,
Distt. - Sheikhpura

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Syed. Rizwanul Haque

For the Opposite Party/s : Mr.Yogendra Kumar

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 10-11-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case
instituted for the offence under Sections 25(1-b)A, 26(1) and 27
of the Arms Act.

3. As per allegation in the FIR, three miscreants
wrapped their faces with gamcha came to Dharmkanta and out
of them one was riding the motorcycle and rest to were firing.
Police recovered one live cartridge and four empty cartridges
from the place of occurrence.

4. It is submitted by learned counsel for the petitioner
that petitioner has been falsely implicated in this case. He has
committed no offence. Petitioner is not named in the FIR and he
has no concern with the alleged occurrence. The name of the



petitioner has come into light, on the basis of confessional statement of co-accused, which has got no evidentiary value in the eyes of law. No incriminating article has been recovered from the conscious possession of the petitioner. The provision of Section 100 of the Cr.P.C. has not been followed in this case, while preparing the seizure list. Only on the basis of suspicion and due to his criminal antecedent, petitioner has implicated in the present case. He is languishing in judicial custody since 07.08.2023.

5. The application for bail is opposed by learned APP for the State.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as the period of custody, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Sheikhpura in connection with Chewara P.S. Case No. 04 of 2023.

(Sunil Kumar Panwar, J)

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