

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68818 of 2023

Arising Out of PS. Case No.-275 Year-2023 Thana- SAUR BAZAR District- Saharsa

Phulo Yadav @ Fulo Yadav @ Fulwa Son of Lakhan Yadav Resident of
Village - Suhath Bharna Tola, Ward No. 15, P.s. Saur Bazar, District- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rashmi Jha

For the Opposite Party/s : Mr.Ajit Kumar

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 03-11-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has filed the instant application for grant of regular bail in a case registered for the offences punishable under Sections 25(1-A), 25(1-AA), 25(1-B)a, 25(1-a), 26 and 35 of the Arms Act.

3. As per prosecution case, on getting secret informant that petitioner in his house along with 304 persons were manufacturing illegal arms and ammunition when the police party reached near the house of petitioner then saw that three persons started running away from the hosue after seeing the police vehicle who were chased and two co-accused Shambhu Kumar Mandal and Jawahar Sharma were apprehended who disclosed the name of escaped person as petitioner. On



searching the house of petitioner several semi prepared illegal weapons, one Apache motorcycle and other materials related to preparation of illegal arms were recovered from the courtyard of the house.

4. It is submitted by learned counsel for the petitioner that the petitioner is innocent and has committed no offence. He has falsely been implicated in the present case due to local politics and ill intention of the informant. The petitioner has no concern with alleged recovery of motorcycle. Neither he was arrested on spot nor any incriminating article was recovered from his conscious possession. The house and courtyard was a joint property but he started living separately since long due to some family dispute. Both the seizure list witnesses are police personnel which is a complete violation of Section 100 of Cr.P.C. The petitioner voluntarily surrendered before the court below on 29.05.2023 and since then he is languishing in judicial custody.

5. Learned APP appearing for the State has vehemently opposed the prayer for Bail.

6. Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case as well as period of custody, this Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be



enlarged on bail in connection with Saur Bazar P.S. Case No. 275 of 2023 on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Saharsa.

(Sunil Kumar Panwar, J)

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