

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74111 of 2023

Arising Out of PS. Case No.-370 Year-2021 Thana- MOKAMAH District- Patna

Sarwan Yadav @ Sarwan Kumar Son of Maheshwar Yadav @ Maheshwar Rai @ Mahesh Roy Resident of Kanhaipur Dhadhariya Tola, Ward No.- 1, P.S.- Mokama, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 29-11-2023 Heard learned counsel for the petitioner and learned APP for the State.

2. In the present case, the petitioner seeks bail in connection with Mokama P.S. Case No. 370 of 2021, registered on 18.11.2021 for the alleged offences under Sections 25(1-b)a/26/35 of the Arms Act.

3. As per prosecution case, police received secret information about petitioner and co-accused Jagdambi Rai doing illicit trade of firearm. A raid was conducted on the house of co-accused and petitioner is stated to have fled away while co-accused Jagdambi Rai was arrested and recovery of country made rifle was made from his house. Co-accused disclosed that recovered firearm was given to him by this petitioner.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. From the FIR it is clear that nothing has been recovered from the conscious possession of this petitioner. Petitioner has no concern with the alleged recovery or with the co-accused from whose house the recovery has been shown. The petitioner is in custody since 20.08.2023 and charge sheet has been submitted. The petitioner has got no criminal antecedent.

5. Learned APP opposes the submission made on behalf of the petitioner. Learned APP submits that the recovered firearm is said to be belonging to this petitioner.

6. Having regard to the facts and circumstances of the case and submissions made on behalf of the parties and considering the fact that the petitioner was not apprehended with firearm, the petitioner above named, is directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-III, Barh, District - Patna/concerned court in connection with Mokama P.S. Case No. 370 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:



(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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