

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47793 of 2024

Arising Out of PS. Case No.-1313 Year-2023 Thana- KHAGARIA District- Khagaria

Suraj Kumar @ Suraj Yadav Son of Bajo Yadav @ Brajesh Prasad Yadav @
Brajesh Yadav Resident of village - Kajo Mahto Tola Taufir, P.S.- Muffasil,
District - Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar Choudhary, Advocate

For the Opposite Party/s : Mr. Brajendra Nath Pandey, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 18-09-2024 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with
Khagaria P.S. Case No. 1313 of 2023 instituted for the offence
under Sections 25(1-B)a, 26 & 35 of the Arms Act.

3. Prosecution case in a nutshell is that there is
recovery of one loaded country made pistol and one mobile
phone from the possession of the petitioner. It is further alleged
that one motorcycle without number plate was also recovered.

4. It has been submitted on behalf of the petitioner
that the petitioner is in custody since 26-12-2023. Petitioner
bears three criminal antecedents, as per disclosure made in
paragraph No. 3 of the bail application.



5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. It is submitted that motorcycle belongs to the petitioner. Petitioner has no concern with the recovered arms. Co-accused, namely, Saurav Kumar and Kundan Kumar have been granted bail by the court below itself. It is submitted that charge is also framed in this case on 18-04-2024. It is lastly submitted that there is no compliance of Section 100 of the Cr.P.C.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner and charge being framed, this Court is inclined to grant bail to the petitioner.

8. Let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Khagaria P.S. Case No. 1313 of 2023.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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