

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55305 of 2024

Arising Out of PS. Case No.-10 Year-2024 Thana- Banma Itahari District- Saharsa

Ashok Yadav @ Ashok Kumar Yadav @ Ashok Kumar Son of Late Ramdeo Yadav @ Ramdeo Prasad Mandal R/O Vill.- Murli Ward no. 05, P.s.- Banma Itarhi, Dist.- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate
		Ms. Vaishnavi Singh, Advocate
		Mr. Ritwik Thakur, Advocate
For the Opposite Party/s	:	Mr. Satya Nand Shukla, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 14-08-2024 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with Banma Ithari P.S. Case No. 10 of 2024 instituted for the offence under Sections 25(1-B)A, 26, 30 & 35 of the Arms Act.

3. Prosecution case in short is that there is recovery of two rifles, one country made pistol along with twenty five cartridges from the house of one co-accused, namely, Jaijairam Yadav.

4. It has been submitted on behalf of the petitioner that the petitioner is in custody since 30-03-2024. Petitioner bears two 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 owing to political rivalry as he is Mukhia of Rasalpur Gram Panchayat. It is submitted that petitioner has never gone to the house of Jaijairam Yadav as alleged in the fardbeyan and he was arrested from his house due to political pressure. It is submitted that petitioner has valid license of one of the rifles recovered, which is apparent from Annexure-2 of the bail application and petitioner has no concern with the other arms. There is no compliance of Section 100 of the Cr.P.C. It is lastly submitted that charge sheet has already been submitted in this case.

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 sheet being submitted, 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 Banma
Ithari P.S. Case No. 10 of 2024.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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