

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59171 of 2024

Arising Out of PS. Case No.-24 Year-2024 Thana- Fekla District- Darbhanga

1. Mukesh Kumar son of Lochan Yadav Resident of Village- Fatehpur, P.S.- Fekla District - Darbhanga
2. Amarjeet Kumar Yadav @ Amarjeet Kumar son of Uchit Yadav Village- Godhiyaghat Baruara P.S.- Fekla District - Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ugranath Mallik, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA
ORAL ORDER

2 09-08-2024 Heard learned counsel for the petitioners and
learned APP for the State.

2. The petitioners seek bail in connection with Fekala P.S. Case No. 24 of 2024 instituted for the offences punishable under Sections 25(1-b)a, 26 and 35 of the Arms Act.

3. As per allegation in the FIR, it is a case of recovery of one country made pistol, a mobile phone of vivo company and a motorcycle bearing registration No. BR07AH2849 from the possession of the petitioners.

4. Learned counsel for the petitioners submits that the petitioners are innocent, committed no offence and have falsely been implicated in this case due to dirty village



politics. He next submits that the petitioners have no criminal antecedent as stated in paragraph 3 of the bail petition and they are in custody since 26.05.2024.

5. Learned APP opposes the prayer for bail of the petitioners.

6. On perusal of FIR, seizure list and impugned order dated 19.07.2024, it appears that on the basis of written report of the informant FIR was registered against four accused persons including both the petitioners. One country pistol was recovered from the possession of petitioner No. 2, namely, Amarjeet Kumar. Thus, considering the facts and circumstances of this case that petitioner No. 1 has no specific allegation and nothing has been recovered his conscious possession. Accordingly, the petitioner No. 1 is hereby granted bail. Let the petitioner No. 1, namely, Mukesh Kumar son of Lochan Yadav, 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 the learned Additional Chief Judicial Magistrate, Darbhanga in connection with Fekla P.S. Case No. 24 of 2024.



7. So far as petitioner No. 2 is concerned, there is recovery of one country made pistol from his possession and, as such, this Court is not inclined to grant bail to petitioner No. 2, namely, Amarjeet Kumar.

8. Accordingly, prayer for bail of petitioner No. 2 is hereby rejected.

9. However, petitioner No. 2 is given liberty to renew his prayer for bail after completion of seven months of his custody.

(Ramesh Chand Malviya, J)

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