

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85151 of 2023

Arising Out of PS. Case No.-216 Year-2023 Thana- KHAGARIA District- Khagaria

Rahul @ Rahul Kumar, Son of Chhedi Yadav, Resident of village Jangli
Mandal Tola, P.S. Muffasil Khagaria, District- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shivanand Singh, Advocate

For the Opposite Party/s : Mr. Rajendra Prasad Nat, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 18-01-2024 Heard Mr. Shivanand Singh, learned counsel

appearing on behalf of the petitioner and the learned APP for the

State.

2. The petitioner is apprehending his arrest in connection with Khagaria (Mufassil) P.S. Case No. 216 of 2023 registered for the offences punishable under Sections 25 (1-b)AA, 26(i)(ii) and 35 of the Arms Act.

3. The police on a tip off regarding manufacturing of arms in the field of Jangli Mandal Tola, constituted a raiding team and conducted raid on the place of occurrence and also seized certain incriminating articles, which were being used for the purpose of manufacturing of fire-arm. In the aforesaid raid, two persons, namely, Chedi Yadav and Ranvir Yadav, were apprehended. However, it is alleged that the petitioner and one



another co-accused were succeeded in fleeing away.

4. It is submitted on behalf of the petitioner that only on account of the petitioner being the son of co-accused Chedi Yadav, against whom the entire allegations have been levelled regarding complicity of manufacturing of fire-arm, his name has been implicated in this case, without there being any material. He further submits that apart from the discrepancies in preparation of the seizure list, all the witnesses to the seizure are police personnel and moreover no incriminating material has been recovered from the whereabouts of the petitioner. The alleged recovery has been made from an open field where two persons were apprehended, but only on account of some undisclosed reason the petitioner has been implicated in this case.

5. On the other hand, learned APP for the State opposes the bail application and submits that the petitioner and others were found engaged in manufacturing of arms.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that there is no cogent material showing the complicity of the petitioner in the present crime, save and except the allegation that the petitioner was the person, who succeeded in fleeing away, coupled with



the fair antecedent and the discrepancies pointed out in the search and seizure, let the petitioner, named above, in the event of his arrest or surrender before the court below within four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Khagaria in connection with Khagaria (Mufassil) P.S. Case No. 216 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. with the further condition that one of the bailors shall be the own/close relative of the petitioner.

(Harish Kumar, J)

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