

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85312 of 2023**

Arising Out of PS. Case No.-105 Year-2023 Thana- NAYA RAM NAGAR District- Munger

GULJABIYA YADAV @ GULABI YADAV S/O LATE RAMJI YADAV R/O
VILLAGE- CHHARAPATTEE, P.S- DHARHAR, DISTT.- MUNGER.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Ajay Kumar No. 2

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

ORAL ORDER

3 19-03-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in S. Tr. No. 343 of 2023,
arising out of Nayaram Nagar (Safiabad) P.S. case No. 105 of
2023 instituted for the offences under Sections 25(1-b)a, 26(i)
(ii) of the Arms Act.

3. Prosecution allegation, in short, is that the one
country made pistol, one live cartridge and one mobile phone
were recovered in this case.

4. Learned counsel for the petitioner submits that the
petitioner has falsely been implicated in the present case.
Charge-sheet has been submitted in this case. No incriminating
material has been recovered from the conscious possession of



the petitioner. The petitioner has got no concern with the recovered articles. The petitioner has not been put on Test Identification Parade to ascertain his participation in the alleged occurrence. The petitioner is in custody since 05.05.2023 and has three criminal antecedents in which he is on bail. There is no compliance of Section 100 of the Cr.P.C.

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

6. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. 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 S. Tr. No. 343 of 2023, arising out of Nayaram Nagar (Safiabad) P.S. case No. 105 of 2023.

(Rudra Prakash Mishra, J)

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