

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68669 of 2024

Arising Out of PS. Case No.-178 Year-2021 Thana- SAKURABAD District- Jehanabad

Amrendra Yadav, Son of Rajendra Singh @ Rajendra Yadav, Resident of
Village- Mirganj, P.S.- Shakurabad Dist- Jehanabad.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar, Advocate

For the Opposite Party/s : Mr.Choubey Jawahar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 18-01-2025 Heard learned counsel appearing on behalf
of the petitioner and learned Additional Public
Prosecutor appearing on behalf of the State.

2. The accused/petitioner is named in F.I.R.
and apprehending his arrest in connection with
Shakurabad P.S. Case No. 178 of 2021, registered
for the offences punishable under Sections 25(1-
B)a, 26, 35 of Arms Act.

3. The allegation against above named
petitioner is to have in possession of 02 country
made pistols and 18 live cartridges alongwith co-
accused, namely Munna Kumar, who is none but
his son.



4. Learned counsel appearing on behalf of the petitioner submitted that prior to this recovery, one occurrence took place at bank of Noawan river in connection with erection of Pandal at sun temple, where, son of the petitioner, namely Munna Kumar opened fire, due to which one Jitendra Kumar and Kanhaiya Kumar of village Noawan received gunshot injury. It is submitted that in the background of aforesaid occurrence, the house of co-accused Munna Kumar was raided by the police personnels and admittedly from the face of FIR, 02 country made pistols and 18 live cartridges were recovered from his house. It is submitted that said co-accused Munna Kumar apprehended during the course of raid from field, where he was kept himself hidden. It is submitted that on the basis of disclosure of said co-accused Munna Kumar, who is none but the son of this petitioner, he was implicated with present case. Disclosure admittedly made in police custody. In this connection, it is submitted by learned counsel that the petitioner was living separately with his



son since 2018 and this fact was categorically mentioned on affidavit in paragraph 10 of the petition. It is also pointed out that the house in issue was not searched in view of Section 100(4) of Cr.P.C. It is categorically stated that the petitioner is a man of clean antecedent.

5. Learned APP while opposing the prayer of bail submitted that the house of petitioner appears joint with co-accused Munna Kumar.

6. Considering the aforesaid facts and circumstances and by taking note of fact as admittedly the face of FIR *prima facie* suggest that recovery of alleged firearm was made from the house of co-accused Munna Kumar, where the name of this petitioner transpires on the basis of disclosure made by co-accused Munna Kumar who is none but the son of the petitioner, while in police custody, coupled with the fact that petitioner appears living separately *prima facie* with co-accused Munna Kumar since 2018, accordingly, above named petitioner, in the event of his arrest or surrender before the learned trial Court, within a



period of four weeks of the order, are directed to be released on bail furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Jehanabad/concerned Court, where the case is pending in connection with Shakurabad P.S. Case No. 178 of 2021, subject to the conditions as laid down under Section 438(2)of the Cr.P.C./482(2) of BNSS.

(Chandra Shekhar Jha, J)

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