

In the Court of Addl. Sessions Judge-I, Koderma.

B.P. No. 693/2022
(CNR JHKD01003309-2022)

09.11.2022

This bail petition dated 17.10.2022 has been filed on behalf of accused petitioner namely **Kishor Yadav** (who is in judicial custody since 27.08.2022) in connection with Domchanch P.S. Case No. 101/2022, u/ss. 25(1-b)(a)/ 26/ 35 of Arms Act, pending in the Court of Sri P. K. Verma, learned J.M.F.C, Koderma.

The L.C.R, as called for, has been received.

Heard Shri Govind Kumar, learned counsel for the petitioner and Shri P.K. Mandal, learned Addl. P.P for the State and perused the case record.

The petitioner Kishor Yadav is said to be a member of the gang of Pappu Sao, who is the leader of the opponent/opposite gang of one Mahesh Rai. He is said to be involved in sale and purchase of illegally mined *dhibra* (mica scrap) from Sharda Mines situated near Rajauli under District – Nawada (Bihar). The said Sharda Mines is said to be previously under possession of another gang leader/ mafia said Mahesh Rai. It is said that in some other case, Mahesh Rai got lodged in jail and taking benefit of his absence, the said opposite gang mafia Pappu Sao illegally captured the said Sharda Mines with the help of his gang members. When Mahesh Rai came out of Jail on bail, in order to take re-possession and control of Sharda Mines, he activated his gang members and provided them with arms and ammunitions. Subsequently, on 14.06.2022, unsuccessful attempt by Mahesh Rai and his gang members was made on Sharda Mines for taking its possession back. On 17.06.2022, the same group made another attack on the said Sharda Mines in which there was allegedly exchange of fire from both the sides.

It has been alleged that on 27.08.2022, on an information that the members of Mahesh Rai gang were again trying to capture the said Sharda Mines, opposite gang leader Pappu Sao, along with the petitioner Kishore Yadav and others, were planning their strategy with arms and ammunitions. But in the meanwhile, police reached on the spot. Having seen them, the miscreants started fleeing away from

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there. The petitioners also fled away and entered in his house. On search by the police, from his possession, a pistol with six live cartridges and a magazine were recovered from his bed room, which was duly seized by making a seizure list dated 27.08.2022. He also made his confessional statement dated 27.08.2022.

It was submitted on behalf of the petitioner that he is innocent and has committed no offence and has been falsely implicated in this case on suspicion and that nothing has been recovered from his possession and that his confessional statement has been forcibly obtained. It was also submitted that the petitioner is in judicial custody for the last about 2 ½ months. It was also submitted that Charge Sheet has already been submitted against the petitioner and cognizance of the offences has also been taken vide order dated 01.11.22 of the learned J.M.F.C, Koderma. Thus, it was submitted that the petitioner is entitled to bail.

The learned Addl. P.P for the State has opposed the instant petition and has submitted that the petitioner is an active member of gang of criminals involved in some cases and that from his possession, arms and ammunitions have been recovered and that the allegations against him are serious.

I have considered the submissions made on behalf of both the sides.

The petitioner is alleged to be an active member of a gang of miscreants/ criminals who are said to be involved in several cases of illegal mining, keeping and using prohibited arms etc. At about 2.30 O' clock in the night, he and his associates were allegedly planning to commit some heinous offences with arms and ammunitions near his home. On chase by the police, he entered in his house, from where a pistol and six live cartridges were recovered. It appears from the case diary that atleast one more case being Jainagar P.S. Case No.231/20 dated 15.10.20 u/ss 323/ 341/ 504/ 506/34 IPC is pending against the petitioner. It further appears that the seized arms and ammunition

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have been found to be dangerous to human life and are said to be prohibited in nature as per the Report dated 22.09.2021 of the Sergeant Major, Koderma. It appears that as many as 10 witnesses have been cited in the Charge Sheet who are required to be examined during trial. Allegations against the petitioner are serious.

Under such circumstances, I am not inclined to enlarge the petitioner on bail. His bail petition accordingly, stands **dismissed**.

(Dictated)

(Ghulam Haidar)
Addl. Sessions Judge-I
Koderma

