

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.28201 of 2017

Arising Out of PS.Case No. -221 Year- 2016 Thana -SAHEBPUR KAMAL District- BEGUSARAI

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1. Gulab Yadav Son of Rameshwar Yadav, Resident of Village- Baburahi,
P.S.- Sahebpur Kamal, District- Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Anand, Advocate
Mr. Binod Kumar, Advocate

For the Opposite Party/s : Mr. Murlidhar, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 27-07-2017 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner is languishing in jail since 05.11.2016 in
a case registered for the offences punishable under Sections 25 (1-
B)a/26 of Arms Act .

The prosecution case as lodged by the police personnel
is that the petitioner was apprehended with one country made
pistol and one live cartridge, accordingly, a seizure list was
prepared.

It has been submitted by the learned counsel for the
petitioner that he is innocent and has spent nearly nine months in
custody and just because he has a criminal antecedent, he has been



made accused in the present case. It is further submitted that charge sheet has already been submitted, hence there is no chance of tampering with the prosecution evidence.

However, learned A.P.P. for the State vehemently opposes the prayer for bail stating therein that the petitioner is a veteran criminal.

Considering the facts and circumstances of the case and period of custody, let the petitioner, above named, 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 Chief Judicial Magistrate, Begusarai in connection with Sahebpur Kamal P.S.Case No. 221/ 2016, subject to the conditions that one of the bailors would be a close relative of the petitioner and the other bailor would have sufficient immovable property within the jurisdiction of the concerned Police station/ Court, who will file an affidavit stating his relationship with the petitioner and that the petitioner will appear before the learned Court below on each and every date and failure to appear before the Court below on two consecutive dates without assigning any



reason will entail cancellation of his bail bonds. It is made clear that if the petitioner is found to have indulged in an offence of similar nature in future, the prosecution will be at liberty to move the learned Court below for cancellation of his bail bonds.

(Nilu Agrawal, J)

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