

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25392 of 2017

Arising Out of PS.Case No. -128 Year- 2016 Thana -BAUNSI District- BANKA

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1. Prafulla Kumar Yadav @ Prafulla Yadav, son of Shankar Yadav,
resident of Village Sirmamore, P.S. Bounsi, District- Banka.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

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

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

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 04-07-2017 Petitioner is permitted to make necessary

correction in paragraph 10 of this petition.

Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

Petitioner is languishing in custody since

04.07.2016 in connection with Bounsi P.S. Case No. 128/16

for the offences alleged under Sections 25(1-b) a, 26, 35 of

the Arms Act.

The prosecution case, as lodged by the police

personnel, is that on a secret tip off the petitioner along with

two others was apprehended and on search one country-made

pistol and one live cartridge was found from the possession of

the petitioner.



It has been submitted by the learned counsel for the petitioner that he is innocent, has been falsely implicated in the aforesaid case and no seizure-list has been prepared regarding seizure of incriminating articles. He submits that on his own extra judicial confession before the police, he has been made accused in five other cases and in all cases he is on bail. It is submitted that no overt act has been alleged to be committed by the petitioner and considering the period of custody a sympathetic consideration may be taken.

However, learned A.P.P. for the State vehemently opposes the prayer for bail stating therein that the petitioner has confessed his involvement in five earlier cases and is a habitual offender.

Considering the facts and circumstances and the materials on record, let the petitioner above named be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka in connection with Bounsi P.S. Case No. 128/2016, subject to the condition that one of the bailors would be a close relative of the petitioner, who will file an affidavit indicating his relation with the petitioner and that petitioner will appear



before the learned Court below during trial on each and every date and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J)

Rajesh/-

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