

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36805 of 2017

Arising Out of PS.Case No. -122 Year- 2017 Thana -BHAGALPUR KOTWALI District-
BHAGALPUR

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1. Beni Yadav Son of Late Ram Das Yadav, R/o Village- Mal Mohanpur,
P.S.- Goradih, District- Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shiwesh Chandra Mishra

For the Opposite Party/s : Mr. Suresh Prasad Singh

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 19-08-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
08.03.2017 in connection with Kotwali (Tilkamanjhi) P.S. Case
No. 122/2017 for offences punishable under Sections 25(1-b) a, 26
of the Arms Act.

The prosecution case, as lodged by the police
personnel, is that during course of checking petitioner along
within one another was apprehended on a motorcycle and from the
possession of the petitioner one country-made pistol and one live
cartridge was recovered.

It has been submitted by the learned counsel for the



petitioner that he is innocent and has been falsely implicated in the aforesaid case. He submits that charge-sheet has already been submitted, hence, there is no chance of tampering with the prosecution evidence and that another co-accused, apprehended along with the petitioner, has been granted privilege of bail by a Coordinate Bench of this Court in Cr. Misc. No. 28351/2017 on 06.07.2017 on similar allegations.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner has one more case pending against him but it is a case of the year 2006 only.

Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhagalpur, in connection with Kotwali (Tilkamanjhi) P.S. Case No. 122/2017, subject to the condition that one of the bailors would be a close relative of the petitioner having 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 petitioner will appear before the learned court below during trial as and when required



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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