

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40257 of 2017

Arising Out of PS.Case No. -130 Year- 2017 Thana -RUPAULI District- PURNIA

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1. Sunil Yadav @ Kulkul Yadav,
2. Anil Yadav @ Budhu Yadav Both Sons of Late Shukdeo Yadav, R/o
Village- Ajhokoppa, P.S.- Rupouli, District- Purnea.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pranav Kumar

For the Opposite Party/s : Mr. Sri Nawal Kishore Prasad

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

5 16-11-2017 Heard learned counsel for the petitioners and learned
APP for the State.

Petitioners are languishing in judicial custody since
08.06.2017 in connection with Rupauli P.S. Case No. 130 of 2017
for offences punishable under Sections 25 (1-b)a/26 and 35 of the
Arms Act.

The prosecution case, as lodged by the police
personnel, is that the petitioners were apprehended and from the
possession of the petitioner no. 1, two country made pistols and 11
live cartridges were recovered and from the petitioner no. 2 one
country made pistol and eight live cartridges were recovered.
Accordingly, a seizure list was prepared.

It has been submitted by the learned counsel for the



petitioners that they are innocent and have been falsely implicated in the aforesaid case. He submits that charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioner.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioners do not have a clean antecedent and as many as six cases are pending against them and that the petitioners were found to have possessed large number of cartridges and ammunitions.

Considering the facts and circumstances and the materials on record, let petitioners, above named, be enlarged on bail on completion of nine months in custody on furnishing bail bonds of Rs.10,000/-(Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Purnea in connection with Rupauli P.S. Case No. 130 of 2017, subject to the conditions that:

- (1) Both bailors would be close relative of the petitioners having sufficient immovable property, who will file an affidavit stating their relationship with the petitioners.
- (2) Petitioners 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 their bail bonds.

(3) If the petitioners indulge in an offence of similar nature in future, the prosecution will be at liberty to move the learned court below for cancellation of their bail bonds.

(Nilu Agrawal, J)

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