

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31431 of 2017

Arising Out of PS.Case No. -194 Year- 2016 Thana -MAUZAHDIPUR District- BHAGALPUR

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1. Brajesh Yadav Son of Rajendra Yadav, Resident of Village- Safrullah Chak, P.S.- Babarganj, District- Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anita Kumari Singh

For the Opposite Party/s : Mr. Md. Fahimuddin

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 12-07-2017 Heard learned counsel for the petitioner and learned APP for the State.

Petitioner is languishing in custody since 02.11.2016 in connection with Mojahidpur (Babarganj) P.S. Case No. 194/2016 for offences punishable under Sections 25(1-b) A, 26, 35 of the Arms Act.

The prosecution case, as lodged by the police personnel, is that during course of checking, the petitioner along with other four persons were apprehended and petitioner was found possessing one country-made pistol loaded with one live cartridge and three other live cartridges. Accordingly, a seizure-list was prepared.

It has been submitted by the learned counsel for the petitioner that he is innocent, no overt act has been committed



by him and that charge-sheet has already been submitted, hence, there is no chance of tampering with the prosecution evidence. He submits that just because he has a past criminal history, he has been made accused in the present case.

However, learned APP for the State opposes the prayer for bail.

Be that as it may, 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 Addl. Chief Judicial Magistrate, Bhagalpur, in connection with Mojahidpur (Babarganj) P.S. Case No. 194/2016, subject to the condition that one of the bailors would be a close relative of the petitioner, who would have sufficient immovable property within the jurisdiction of the concerned police station, who will file an affidavit stating his relationship with the petitioner and that petitioner will appear before the learned court below as and when required during trial and failure to appear on three consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J)

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