

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38112 of 2018

Arising Out of PS. Case No.-349 Year-2017 Thana- JAMUI District- Jamui

MANJAY YADAV @ MANJAY KUMAR YADAV @ RAJIV KUMAR
YADAV, Son of Shibu Yadav, Resident of Village- Rajpura, P.S. + District-
Jamui.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prakash Mahto

For the Opposite Party/s : Mr. Md. Ashlam Ansari

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 06-07-2018 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
17.10.2017 in connection with Jamui P.S. Case No. 349 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 on secret information that the petitioner has
concealed firearms in his house, a raid was conducted and a
country-made pistol, one musket and 5 live cartridges were
recovered outside the house on the roof top. Accordingly, a
seizure list was prepared.

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 no overt act has been committed, the seized articles have not been recovered from his conscious possession 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 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 petitioner does not have a clean antecedent and one more case under the Arms Act and another of a more serious nature is pending against him.

Considering the facts and circumstances and the materials on record and the period of custody, 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, Jamui, in connection with Jamui P.S. Case No. 349 of 2017, subject to the following conditions :

- (i) One of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the



petitioner.

- (ii) If the petitioner indulges 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)

Rajesh/Pragya

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