

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10397 of 2019

Arising Out of P.S. Case No.-87 Year-2017 Thana- CHANDAN District- Banka

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RAMESH YADAV, aged about 21 years, Male, Son of Basudev Yadav @
Bashudev Yadav Resident of Village- Pujhardih, P.S- Chandan, O.P-
Anandpur, District- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Md. Nurul Hoda, Advocate

For the Opposite Party/s : Mr.Lalan Kumar, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 21-02-2019 Heard the learned counsel for the petitioner and

learned counsel appearing on behalf of the State.

Petitioner is languishing in judicial custody since
23.06.2017 in connection with Chandan (Anandpur) P.S.Case
No.87 of 2017 for the offence alleged under Sections 25(1-b)a,
26 and 35 of the Arms Act.

The prosecution case as lodged by the police
personnel is that while investigating Katoria P.S.Case No.93 of
2017, the police arrested the petitioner along with two others
and on their confession, one country made with one fused
cartridge were recovered hidden inside the bushes. Accordingly,
a seizure list was prepared.

It has been submitted by the learned counsel for the



petitioner that he is innocent and has falsely been implicated in the aforesaid case because of his criminal antecedent. He further submits that no incriminating article has been recovered from his conscious possession and although chargesheet has been submitted but case has not yet been committed although the petitioner is languishing in judicial custody since for more than one year and seven months.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner does not have a clean antecedent and as many as five cases are pending against him some under the Arms Act.

However, considering the nature of allegations and the materials on record as well as the period of custody, let the petitioner, above named be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with Chandan (Anandpur) P.S.Case No.87 of 2017 to the satisfaction of learned Additional Chief Judicial Magistrate-I, Banka, 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) 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.

(iii) 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)

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