

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16353 of 2019

Arising Out of PS. Case No.-321 Year-2018 Thana- SAHEBPUR KAMAL District-
Begusarai

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MITHILESH YADAV Son of Late Jai Ram Yadav Resident of Village-Karhat,
Ward N.8, P.S.-Sahebpur-Kamal, District-Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pritish Kumar Lal
For the Opposite Party/s : Mr.Ram Sevak Choudhary

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 27-03-2019 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
19.12.2018 in connection with Sahebpur Kamal P.S. Case No.
321 of 2018 for offences punishable under Section 25(1-b)a and
26 of the Arms Act.

The prosecution case, as lodged by the police
personnel, is that on secret information that the petitioner has
concealed illicit liquor in his house, a raid was conducted,
petitioner was not found present and on search from the room
one musket in unfinished condition and one country-made pistol
with 15 live cartridges were recovered. A cartoon of wine was
also found being carried. Accordingly, a seizure-list was



prepared.

It has been submitted by the learned counsel for the petitioner that he is innocent and on the same day a case under the Excise Act has been lodged except that the petitioner does not bear any criminal antecedent. It is submitted that petitioner was not present in the house, the house is a joint family property and seizure of illegal arms and ammunitions cannot be attributed to the petitioner. It is further submitted that no overt act has been committed by the petitioner and charge-sheet has already been submitted there being no allegation of tampering with the prosecution witnesses.

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

Considering the nature of allegations and that charge-sheet has already been submitted, 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-V cum Sub-Judge-III, Begusarai, in connection with Sahebpur Kamal P.S. Case No. 321 of 2018, subject to the following conditions :

1. 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.

2. 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.
3. 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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