

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12358 of 2019**

Arising Out of PS. Case No.-261 Year-2018 Thana- BUXAR INDUSTRIAL District- Buxar *

DINESH KUMAR YADAV @ CHHOTI, aged about 19 years, Male, Son of
Late Surendra Kumar Yadav/Singh, Resident of Dalsagar, P.S. Buxar (Ind.),
Distt – Buxar ... Petitioner

Versus

The State of Bihar ... Opposite Party

Appearance :

For the Petitioner : Mr. Dr. Kamal Deo Sharma, Adv.

For the Opposite Party : Mr. Damodar Prasad Tiwary, APP

**CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER**

2 28-02-2019 Heard the learned counsel for the petitioner and the
learned counsel appearing for the State.

The petitioner is languishing in judicial custody since
24.12.2018 in connection with Buxar (Ind.) P.S. Case No. 261 of
2018 for the offences 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 on secret information that some miscreants
armed with weapons are fighting and abusing each other, the
police reached the place of occurrence and apprehended two
persons, including the petitioner, while three named in the first
information report along with 4-5 other persons managed to flee
away. On search, from the pocket of the apprehended co-
accused, Tilak Singh @ Golu Kumar, one country made pistol



and two live cartridges were recovered and from the possession of the petitioner one mobile was recovered. Accordingly, a seizure list was prepared.

It has been submitted by the learned counsel for the petitioner that he is innocent, no incriminating article has been recovered from his possession and he is languishing in judicial custody since more than two months. Petitioner undertakes to cooperate in the investigation not to induce witnesses or tamper with the prosecution case.

However, the learned Additional Public Prosecutor 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 is pending against him and the scuffle was between two groups for arms and ammunitions.

Considering the nature of allegations and the materials on record and that no arms and ammunitions has been recovered from the possession of the petitioner, 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 Buxar (Ind.) P.S. Case No. 261 of 2018 to the satisfaction of the learned Chief Judicial Magistrate, Buxar, 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)

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