

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25919 of 2019

Arising Out of PS. Case No.-13 Year-2018 Thana- DANDARI District- Begusarai

DILIP YADAV @ DILIP KUMAR YADAV, aged about 30 years, Male, S/o
Late Ino Yadav Resident of Musechak, Ward No 1, P.S.- Shahebpur-Kamal,
District- Begusarai ... Petitioner

Versus

The State of Bihar ... Opposite Party

Appearance :

For the Petitioner : Mr. Pritish Kumar Lal, Adv.
For the Opposite Party : Mr. Shailendra Kumar, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 02-05-2019 Heard the learned counsel for the petitioner and the
learned Additional Public Prosecutor appearing for the State.

The petitioner is languishing in judicial custody since
04.01.2019 in connection with Dandari P.S. Case No. 13 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 while on patrolling duty they found two
persons on a motorcycle sitting behind a tree. On being
questioned, petitioner and other co-accused managed to flee
away leaving the motorcycle and one country made pistol and
one live cartridge also fell. From the papers, in the motorcycle,
it was revealed that the petitioner was the owner of the said
motorcycle. 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 nothing has been recovered from the conscious possession and charge sheet has already been submitted, there being no allegation of tampering with the prosecution witnesses/evidence. He, further, submits that the petitioner is not a dreaded criminal as only one case is pending against him in which also he has been falsely implicated.

However, the learned Additional Public Prosecutor for the State opposes the prayer for bail stating therein that the petitioner does not bear a clean antecedent and one more case is pending against him.

Considering the nature of allegations and that the charge sheet has already been submitted, 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 Dandari P.S. Case No. 13 of 2018 to the satisfaction of Smt. Shewta Grewal, the learned Judicial Magistrate, 1st Class, Begusarai, or the successor Court, 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.



(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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