

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19189 of 2020

Arising Out of PS. Case No.-9 Year-2020 Thana- RANIGANJ District- Araria

Barun Yadav, Gender, Male, aged about 27 years, son of Late Ram Charitra Yadav, resident of village- Navtoliya, Keshkapur, Ward No. 4, P.S.- Raniganj, District- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mrigank Mauli, Advocate
For the Opposite Party/s : Mr. Akbar Ali, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 16-06-2020

The matter has been heard *via* video conferencing due to lockdown imposed on account of the COVID-19 pandemic.

2. Heard Mr. Mrigank Mauli, learned counsel for the petitioner and Mr. Akbar Ali, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

3. The petitioner is in custody in connection with Raniganj P.S. Case No.09 of 2020 instituted under Section 37(b) (c) of the Bihar Prohibition and Excise Act, 2016 and Sections 25(1-B)A, 26, 35 of the Arms Act.

4. The allegation against the petitioner is that upon seeing the police party while he was trying to sow seed on a disputed plot, he ran away, but was caught in an inebriated state and from his person, one country made pistol along with one



live cartridge was recovered.

5. Learned counsel for the petitioner submitted that as far as sowing of seed on disputed plot is concerned, the land is claimed by the petitioner to belong to his father, whereas, the other side claims it to be their land, and thus, it is a civil dispute. It was submitted that the incident is said to have taken place on 06.01.2020 and the mother of the petitioner has also filed a counter case, though on 09.01.2020, for the same incident. Learned counsel submitted that only after his arrest in the present case he has subsequently been made accused and remanded in another case whereas there is one old case of 2003. It was submitted that the petitioner is in custody since 07.01.2020.

6. Learned APP submitted that there has been recovery of firearms and cartridge from the person of the petitioner and he was also found in a drunken state.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bond of Rs.25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the 2nd Additional Sessions Judge cum Special Judge, Araria, in Raniganj P.S. Case No.09



of 2020, subject to the conditions (i) that one of the bailors shall be a close relative of the petitioner (ii) that the petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner, and (iii) that the petitioner shall also give an undertaking to the Court that he shall not indulge in any criminal activity, tamper with the evidence or influence the witnesses. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of his bail bonds. The petitioner shall cooperate in the case and be present before the Court on each and every date. Failure to cooperate or being absent on two consecutive dates, without sufficient cause, shall also lead to cancellation of his bail bonds.

8. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J)

J. Alam/-

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