

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22579 of 2020

Arising Out of PS. Case No.-123 Year-2019 Thana- PANDARAK District- Patna

Binod Yadav Son of Late Shivnandan Yadav Resident of Village - Gowasa
Shekhpura Gheraper, P.S.- Pandarak, District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun, Advocate

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

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 04-09-2020 This matter has been taken up through Video Conferencing.

Let the defects be removed within two weeks after opening of the physical court.

Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

The petitioner is languishing in custody for the offences punishable under Sections 25(1-b)a/26/35 of the Arms Act.

According to FIR, the police apprehended the petitioner and his two full brothers and from possession of each of them a country-made pistol and cartridges were recovered. Suspicion was that they were going to commit crime.

Submission is that the petitioner is in custody since 07.12.2019. The petitioner has got a criminal antecedent as



mentioned in para-3 of the petition which was registered for the offence under Section 307/34 of the Indian Penal Code. There is non-compliance of mandate of law in the matter of search and seizure inasmuch as only the members of the raiding party are witnesses of the seizure.

Considering the entire facts aforesaid as well as completion of investigation, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned Court-below where the case is pending in connection with Pandarak P.S. Case No.123 of 2019, with following conditions:

(a) Both the bailors shall be the resident of territorial jurisdiction of the learned Court-below.

(b) The petitioner shall fully cooperate with the trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioner.

(c) The petitioner shall not leave the country without permission of the trial Court.

(Birendra Kumar, J)

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