

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21633 of 2020**

Arising Out of PS. Case No.-5 Year-2020 Thana- RAXAUL District- East Champaran

Chhotan Yadav Son of Mahendra Yadav @ Mahendra Ray Resident of Village
- Siswa, P.S.- Raxaul, Distt.- East Champaran Motihari

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Binay Kumar

For the Opposite Party/s : Mr.P.K.Pandey,APP

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

3. 21-08-2020 Heard learned counsel for the petitioner as well as
learned A.P.P. for the State through video conferencing.

The petitioner seeks bail in Raxaul P.S. Case No. 05
of 2020, registered for the offence under Sections 25(1-b)a, 26,
35 of the Arms Act.

As per prosecution case, on secret information, a raid
was conducted and it is alleged that from possession of
petitioner, 7.65 MM semi automatic pistol U.S.A. No-067, 1
Magzine, 7.65 MM wriiten KF, two round Kartoos and one
mobile phone having two SIM of Airtel & N.Cell Company.

It is submitted on behalf of petitioner that petitioner is
innocent and has falsely been implicated in this case. No
incriminating article has been recovered from the possession of
the petitioner. The allegation made in the F.I.R. is out-and-out



false and concocted. In paragraph – 3 of the petition, it has been stated that petitioner has clean antecedent and he is in custody since 03-01-2020.

Considering the aforesaid facts and circumstances, the bail application is allowed.

Let the above-named petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Raxaul at Motihari (East Champaran) in connection with Raxaul P.S. Case No. 05 of 2020 on the following conditions:

“(1) Petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present, as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail-bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.”.

(Prabhat Kumar Singh, J.)

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