

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.12927 of 2021**

Arising Out of PS. Case No.-197 Year-2020 Thana- SAMASTIPUR District- Samastipur

SHIVAM YADAV Son of Shankar Rai @ Sahdeo Kumar Resident of Village-
Rahimpur Rudauli, P.S.- Samastipur (Muffasil), District- Samastipur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Santosh Kumar,Advocate

For the Opposite Party/s : Mr.Akhileshwar Dayal,APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 16-06-2021 Learned counsel for the petitioner undertakes to

remove all the defects pointed out by the Stamp Reporter within

four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr.
Akhileshwar Dayal, learned APP for the State.

The petitioner in the present case is seeking regular bail in
connection with Samastipur Town P.S. Case No. 197 of 2020
registered for the offences punishable under Sections 25(1-b)a, 26, 35
of the Arms Act.

Learned counsel for the petitioner submits that as per the
prosecution story the informant Anil Kumar Singh, S.I. of Samastipur
Town P.S. saw a suspicious man standing in front of the Court
campus. The police caught the suspicious man who disclosed his
name as Shivam Yadav (this petitioner) and on search, police
recovered a country-made pistol and one live cartridge from his



possession.

Learned counsel submits that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that the petitioner has no concern with said recovered article. It is further submitted that he is a student and passed his class 10th examination with good grade. The petitioner is in custody since 04.10.2020.

Learned APP for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein it is alleged that from the possession of the petitioner one country-made pistol with one live cartridge has been seized, the petitioner has remained in jail since 04.10.2020, he is said to be a student who has passed his class 10th examination with good grade point, investigation against him is complete and in the two cases reported against him, it is stated that in one of the cases final form has been submitted whereas the another case is under the minor sections, considering all these, this Court directs release of the petitioner above named on bail on furnishing of bail bond of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned C.J.M. Samastipur, in connection with Samastipur Town P.S. Case No. 197 of 2020, subject to the conditions as laid down under Section 437(3) Cr.P.C. as under:

(a) that such person shall attend in accordance with the



conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which is suspected, and

(c) that such persons shall not directly or indirectly make and inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

