

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 13090 of 2021**

Arising Out of PS. Case No.-81 Year-2020 Thana- LODIPUR District- Bhagalpur

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RAM DAS YADAV Son of Late Tulsi Yadav Resident of Village - Khutaha,
P.S. - Lodipur, District - Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : M/s Ranjan Kr Jha, Sanjeev Kr @ Deepak Sahay,
Samir Kr, Saurav Singh, Advocates
For the S t a t e : Mr Nawal Kishore Prasad, APP

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

4 **10-08-2021** This case has been taken up for consideration today
through Video Conferencing.

Heard learned counsel for the petitioner and the
learned Additional Public Prosecutor (for brevity, *APP*)
appearing for the State of Bihar.

The petitioner seeks bail in Lodipur (Bypass)
Police Station (for brevity, *PS*) Case No 81 of 2020 dated
01.05.2020 instituted for the offence punishable under Sections
25 (1-B)/26 of Arms Act.

A loaded country made pistol, a double barrel gun and
10 live cartridges are the incriminating materials under the Arms
Act allegedly recovered from the petitioner.

Learned counsel for the petitioner submits that on



account of 11 criminal antecedents, he has been implicated in this case. The recovery itself is doubtful as the prosecution alleges that recovery was made after chasing the petitioner. In the supervision, Deputy Superintendent of Police, however, has stated recovery from the petitioner's home. There is no compliance of Section 100 of Criminal Procedure Code and since 01.05.2020, the petitioner is in custody, though he is either on bail or stands acquitted in the earlier cases, pending against him. He has filed a supplementary affidavit bringing on record the fact of his acquittal in Lodipur PS Case No 162 of 2001 for the alleged offence under Section 302 of IPC.

Learned APP has opposed the prayer for bail. It is submitted that arms were recovered from the possession of the petitioner and he has also criminal antecedents.

Considering the rival submissions, prayer for bail is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Bhagalpur in connection with Lodipur (Bypass) PS Case No 81 of 2020 subject to the following conditions:-

- (i) That one of the bailors will be a close relative of



the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

M.E.H./-

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