

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16634 of 2021**

Arising Out of PS. Case No.-45 Year-2013 Thana- NAUHATTA District- Rohtas

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HARI YADAV S/o Prasad Yadav @ Ram Prasad Yadav, R/o Village- Dhansa,
P.S.- Nauhatta, District- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Deovind Kumar Singh, Adv.
For the Opposite Party/s : Mr.Dilip Kumar No.1, APP

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 25-10-2021 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in a case registered for the
offence punishable under Sections 25(1-b) a/26/35 of the Arms
Act and Section 17 of the C.L.A. Act.

Prosecution case, in brief is that on the basis of self
statement of S.I., Nauhatta Police Station. The informant alleged
in his FIR that on 20.10.2013, a raiding party was organized
against the miscreants under Nauhatta Police Station and the
raid was being done alongwith the CRPF party. He further
alleged that on the same day he got secret information that the
FIR named accused persons including the petitioner are making



preparation for committing some offence in Kurwa Kund forest. The informant reached alongwith raiding party near the place of occurrence, then the accused persons fled away after taking the benefit of dense forest and hill and four country made gun, two barell, 12 splinter barring and some explosive materials were seized from the place of occurrence.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that the petitioner is named in the FIR and there is no any arms has been recovered from the conscious possession of the petitioner. All the arms and ammunition have been recovered from Kurwa Kund forest. The petitioner is languishing in judicial custody since 11.11.2019. The petitioner has got 09 criminal antecedents, which is mentioned in para 3 of the bail petition. Charge has been framed against the petitioner.

Learned APP for the State vehemently opposed the prayer for bail application.

Considering the aforesaid facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees twenty five thousand) with two sureties of the like amount each in connection with Nauhatta P.S. Case No. 45/2013 to the



satisfaction of learned Court below where the case is pending/
successor Court; subject to the following conditions:

(1) that one of the bailors will be a close relative of the petitioner, who will be given an affidavit giving genealogy as to how he is related with the petitioner. He will also undertake to inform the Court if there is any change in the address of the petitioner.

(2) that the bailor shall also state on affidavit that he will inform the Court concerned if the petitioner is implicated in any other case of similar nature after his release in the present case and thereafter the Court below will be at liberty to initiate proceeding for cancellation of bail on the ground of misuse.

(3) that the petitioner will be well represented on each and every date fixed in the case and if he fails to do so on two consecutive dates his bail bond will be liable to be cancelled.

(4) that the petitioner shall co-operate with the investigation, if not already concluded and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(5) that the petitioner will mark his attendance in the local police station in first week of every month till



conclusion of trial, failing which the prosecution will be at liberty to move cancellation of his bail bond.

(Anjani Kumar Sharan, J)

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