

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18263 of 2021

Arising Out of PS. Case No.-649 Year-2020 Thana- BRAHMPUR District- Buxar

ROHAN YADAV S/o Fakru Yadav @ Hakru Yadav R/o village- Ramgarh,
P.S.- Brahmpur, District- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashwini Kumar Rai, Adv
For the Opposite Party/s : Ms. Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 26-10-2021 Heard learned counsel for the petitioner and learned
APP for the State.

This Court would expect that the petitioner's Counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

Petitioner seeks bail in connection with Brahmpur P.S. Case No. 649 of 2020 registered under Sections 25(1-B)a and 26 of the Arms Act.

One country made pistol and a live cartridge have been recovered from the possession of the petitioner.

It is submitted by counsel for the petitioner that the petitioner is physically handicapped and his implication is



based on extraneous considerations. He has one criminal antecedent in Brahmpur P.S. Case No. 622/2020 and he is on bail in this said case. In the instant case, he has remained in custody now since 9.12.2020. The further submission is that seizure is not in accordance with procedure prescribed under Section 100 Cr.P.C.

Learned APP has opposed the prayer for bail.

Considering the rival submissions as also the facts and circumstances of the case, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed. Let the petitioner above named 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 Chief Judicial Magistrate, Buxar in Brahmpur P.S. Case No. 649 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.

(Madhuresh Prasad, J)

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