

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.2125 of 2021**

Arising Out of PS. Case No.-291 Year-2020 Thana- PAROO District- Muzaffarpur

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Vidya Nand Yadav @ Vidhanand Yadav, S/O Brijdeo Rai, Resident Of
Village-Mahmmadpur, P.S-Paroo, District-Muzaffarpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Sunil Kumar Pandey, Advocate

For the Opposite Party/s : Mr.Dr. Ajeet Kumar, A.P.P.

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

5 16-07-2021 Learned counsel for the petitioner undertakes to

remove all the defects as pointed out by office within four

weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Dr. Ajeet

Kumar, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in

connection with Paroo P.S. Cases No. 291 of 2020 registered for

the offence punishable under Sections 25(1-b)a, 26/35 of the

Arms Act.

As per the prosecution story, this petitioner was

apprehended by Police in course of raid in the house of co-

accused Kishore Kumar Mishra. From possession of this

petitioner one loaded country made pistol and 10 live cartridges



of 12 bore were recovered.

Learned counsel for the petitioner submits that the petitioner has remained in custody for more than one year in connection with this case, he has got three criminal antecedent and in all those cases stated in paragraph '3' of petition he is on bail.

On the other hand, Dr. Ajeet Kumar, learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner and has informed this Court that this petitioner is a habitual offender. He has been apprehended by police with a loaded country made pistol and 10 live cartridges and while he was with co-accused Kishore Kumar Mishra, in the same raid police seized two barrel guns also, therefore, his complicity with the co-accused and the criminal antecedents of nine cases apart from the present case are the factors which are to be taken into consideration and the prayer for bail of the petitioner be rejected.

Considering the facts and circumstances of the case and on finding that the petitioner was apprehended with a loaded country made pistol and 10 live cartridges and he has got nine criminal antecedent, the cases are pending against him since the year 1999 and in paragraph '3' of the petition he has



concealed his criminal antecedent and has given only three cases, this Court is of the considered opinion that the petitioner does not deserve privilege of bail. The prayer for bail is, thus, refused.

The bail application stands dismissed.

For swearing the false affidavit let a show-cause notice be issued to the deponent namely deponent Lalita Devi, wife of Vidyanand Yadav @ Vidhanand Yadav, resident of village-Mahmmadpur, P.S.-Paroo, District-Muzaffarpur calling upon her to show cause as to why an appropriate proceeding be not initiated against her for swearing the false affidavit in the present case.

Let a show cause be filed within four weeks.

List this case after weeks with the show-cause on 12th August, 2021.

(Rajeev Ranjan Prasad, J)

vats/-

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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'.

