

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.3526 of 2021**

Arising Out of PS. Case No.-285 Year-2020 Thana- SAUR BAZAR District- Saharsa

Ashok Yadav Son Late Bhola Yadav Resident Of Village- Pipra, P.S- Sour
Bazar (Patherghat O.P.), Distt-Saharsa

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Pramod Mishra, Advocate

For the Opposite Party/s : Mr. Nand Kishore Prasad, A.P.P.

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

2 13-04-2021 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 learned
A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail
in connection with Sour Bazar (Patarghat O.P.) P.S. Case No.
285 of 2020 registered for the offences punishable under Section
25(1-b)a, 26 and 35 of the Arms Act.

As per prosecution story, on 18.07.2020 the police got
information that criminals are arriving at the house of Ashok
Yadav (petitioner) with an intention to commit crime, thereafter
police reached at the house of the petitioner and one miscreant
holding Desi Katta tried to flee away was caught by the police



and from his possession two Desi Katta were recovered. It is further alleged that on interrogation he disclosed that he was called by the petitioner, thereafter police searched the house of the petitioner from where one Desi Katta, 12 live Cartridges, 4 Khokhas and one missed fire cartridge and one motorcycle were seized.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case. Learned counsel submits that the petitioner is not residing in his house as he was serving at Delhi and prior to the present case he had no criminal antecedent and he is in custody since 29.08.2020.

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

Having regard to the facts and circumstances of the case and the submissions of learned counsel for the petitioner that the recovery of one country made pistol (unloaded) and 12 live cartridges are said to have been recovered from the bungalow of the petitioner in the village, the petitioner is not residing there as he was serving at Delhi and prior to the present case he had no criminal antecedent, as regards the criminal antecedent stated in the impugned order it is submitted that the same is an error of record and further submission that the



petitioner has remained in jail in connection with the present case since 29.08.2020, investigation against him is complete and further incarceration of the petitioner in jail is not likely to come in aid of investigation or prosecution, there being no statement on behalf of the State that release of the petitioner is likely to result in tampering with the evidence or interfering with the course of trial, 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 Chief Judicial Magistrate, Saharsa, in connection with Sour Bazar (Patarghat O.P.) P.S. Case No. 285 of 2020, subject to the condition 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 he is suspected, and

(c) that such person shall not directly or indirectly make any 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.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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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'.

