

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12962 of 2022

Arising Out of PS. Case No.-116 Year-2021 Thana- CHAUTHAM District- Khagaria

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MUKESH KUMAR YADAV Son of Rajendra Yadav @ Jaharu Yadav
Resident of Village - Hardia, P.S.- Chautham, Distt.- Khagaria (Bihar)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bishweshwar Ram, Adv
For the Opposite Party/s : Mr.Raj Kishore Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 13-04-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and learned APP for the State.

Petitioner seeks bail in a case registered for the offences punishable under Sections 25(1-b) a, 26 of Arms Act.

On search, one country made pistol (katta) and 13 cartridges have been recovered from possession of the petitioner. Out of 13 cartridges, 02 were misfired cartridge.

Earlier the petitioner has filed Cr. Misc. No. 67464 of 2021 and the same was withdrawn on 16.02.2022.

Learned counsel for the petitioner submits that the Cr. Misc. No. 67464 of 2021 was withdrawn by mistaken part of



the learned counsel for the petitioner.

Learned counsel appearing for the petitioner submits that the petitioner has falsely been implicated in the present case. He further submits that it appears from the FIR that one country made pistol and 13 cartridges have been recovered from the conscious possession of the petitioner. Out of 13 cartridges, 02 were misfired cartridge. Learned counsel for the petitioner submits that it appears from the seizure list that there is no independent witness of the seizure list. There is violation of Section 100 of Cr.P.C. Petitioner is in custody since 24.05.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries two more cases other than the present one.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Chautham Police Station Case No.116 of 2021, with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and



on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

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.

(Rajesh Kumar Verma, J)

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