

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14155 of 2022

Arising Out of PS. Case No.-556 Year-2021 Thana- SAUR BAZAR District- Saharsa

DEVANAND YADAV Son of Narayan Yadav @ Satya Narayan Yadav
Resident of Village - Rauta Bansi, P.s.- Sour Bazar, Distt.- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 21274 of 2022

Arising Out of PS. Case No.-556 Year-2021 Thana- SAUR BAZAR District- Saharsa

1. NARESH SADA Son of Haldhar Sada Resident of Village - Rauta Khem, Tola Naya Nagar, P.S. - Sour Bazar, District - Saharsa.
2. Chand Kumar Sada Son of Late Lal Sada Resident of Village - Rauta Khem, Tola Naya Nagar, P.S. - Sour Bazar, District - Saharsa.
3. Kailu Sada Son of Siyaram Sada Resident of Village - Rauta Khem, Tola Naya Nagar, P.S. - Sour Bazar, District - Saharsa.
4. Satya Narayan Sada Son of Late Basudeo Sada Resident of Village - Rauta Khem, Tola Naya Nagar, P.S. - Sour Bazar, District - Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 14155 of 2022)

For the Petitioner/s : Mr. Yogesh Chandra Verma, Sr. Advocate
Mr. Rashmi Jha, Advocate

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

(In CRIMINAL MISCELLANEOUS No. 21274 of 2022)

For the Petitioner/s : Mr. Yogesh Chandra Verma, Sr. Advocate
Mr. Rashmi Jha, Advocate

For the Opposite Party/s : Mr. Mithlesh Kumar Khare, APP.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 12-09-2022 Heard learned counsel for the petitioners and the
learned A.P.P. for the State.



The petitioners seek bail in a case registered for the offence under Sections 25(1-b)a, 26 and 35 of the Arms Act.

The case relates to recovery of one loaded country made pistol along with forty-eight cartridges from the Scorpio Vehicle. It is further alleged that on search, a country made rifle and thirty nine cartridges were recovered from the house of Satya Narayan Sada whereas one country made rifle along with thirty five live cartridges recovered from the house of Kailu Sada and one country made rifle and thirty live cartridges were recovered from the house of Naresh Sada and also one country made rifle and 20 live cartridges were recovered from the house of Chand Kumar Sada.

Learned senior counsel appearing for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. He further submits that so far as petitioner namely Devanand Yadav is concerned, nothing incriminating has been recovered from his conscious possession rather the alleged recovery has been made from the Scorpio vehicle from which this petitioner has got no concern at all. Therefore, no case is made out against the petitioner, Dayanand Yadav attracting sections punishable under the Arms Act. He further submits with respect to petitioners of Cr. Misc. No. 21274 of 2022 that altogether 124 cartridges along with four country made rifles are said to have been recovered from their respective



houses but as a matter of fact, nothing has been recovered from their houses or their conscious possession rather the police has planted the story and shown the recovery from their respective houses. He further submits that the police after investigation submitted chargesheet against the petitioners. The petitioner namely Devanand Yadav is in custody since 01.11.2021 whereas petitioners of Criminal Miscellaneous no. 21274 of 2022 are rotting in custody since 28.10.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioners and submits that the petitioner namely Devanand Yadav carries twenty six more cases other than the present one whereas petitioners namely Naresh Sada, Chand Kumar Sada, Kailu Sada and Satya Narayan Sada carry one more case other than the present one.

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Sourbazar P.S. Case No. 556 of 2021 with the following conditions:-

(1) Petitioners 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 their absence on two consecutive dates without sufficient



reason, their bail bond shall be canceled by the Court below.

(2) If the petitioners tamper 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 petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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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