

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16049 of 2022

Arising Out of PS. Case No.-632 Year-2021 Thana- BANKA District- Banka

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Anuplal Yadav Son of Birendra Birendra Yadav Resident of village -
Bishahara, P.S. - Banka, District - Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Brij Nandad Prasad, Advocate

For the Opposite Party/s : Mr. Surendra Prasad Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 11-07-2022 Heard learned counsel appearing on behalf of the

petitioner and learned APP for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

Petitioner, who is in custody since 04.08.2021, seeks
regular bail in connection with Banka P.S. Case No. 632 of 2021
registered for offences punishable under Section 25 (1-B) a/26
of the Arms Act.

As per the allegation made in the FIR, one loaded
country-made pistol and one live cartridge were recovered from
the possession of the petitioner.

Learned counsel appearing on behalf of the petitioner
submits that petitioner is innocent and has falsely been
implicated in the present case due to local village politics.



Petitioner was forced to put his signature on the seizure list. No recovery was made from his conscious possession. Petitioner is in custody since 04.08.2021. One case under Excise Act is pending against the petitioner in which he is already on bail. There is no chance of absconding or tampering and hence petitioner deserves to be released on bail.

Learned A.P.P., for the State has vehemently opposed the prayer for grant of bail to the petitioner.

Taking into consideration the nature of allegation made in the FIR, there being no allegation of tampering the evidence or influencing the witnesses and trial is also not likely to be concluded in near future, charge-sheet has already been submitted on 30.09.2021, the petitioner, above named, is directed to be enlarged on bail upon furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka in connection with Banka P.S. Case No. 632 of 2021 subject to the following conditions:

(i) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(ii) Petitioner shall co-operate in the trial and shall be



properly represented on each and every date fixed by the Court.

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

(iv) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bond.

(Purnendu Singh, J)

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