

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15949 of 2022

Arising Out of PS. Case No.-292 Year-2021 Thana- MANSI District- Khagaria

Lalan Yadav Son of Late Bhopul Yadav Resident of Village- Chukti, P.S.-
Mansi, District- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Alok Kumar Sinha, Sr. Advocate
	:	Mr. Bhola Kumar, Advocate
For the State	:	Mr. Dashrath Mehta, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 03-08-2022 Heard learned senior counsel appearing on behalf of
the petitioner and learned counsel appearing on behalf of the
State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Mansi
P.S. Case No. 292 of 2021 registered for the offence under
Section 37(c) of the Bihar Prohibition and Excise Act and
Sections 25(1-b)a, 26 and 35 of the Arms Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 26.10.2021.

The allegation against the petitioner is to have in
possession of one country made pistol and four live cartridges.



It is also alleged that petitioner was found in drunken condition.

Learned senior counsel appearing on behalf of the petitioner submitted that the name of the petitioner surfaced in the present case only for the reason that petitioner is involved in 25 more criminal cases. It is also submitted that out of 25 criminal cases, petitioner has been acquitted in 14 cases and in true sense, criminal antecedents of the petitioner is only 11, where he is on bail in 10 cases. It is submitted that seizure list is disputed, as same is not supported by independent witnesses and appears to be in violation of Section 100(4) of the Cr.P.C. It is submitted that as petitioner was found in drunken condition, therefore, planting of fire arm with oblique motive cannot be denied. While concluding the argument, it is submitted that investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State opposes the prayer of bail.

In view of the facts and circumstances, as mentioned above, as seizure list is disputed, as same is not supported by independent witnesses coupled with the fact that chargesheet has already been submitted, let the petitioner, above named, is



directed to be released on bail in connection with Mansi P.S. Case No. 292 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Khagaria/concerned Court, subject to the following conditions:

“(i) That accused/petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) That accused/petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner, duly supported by the documents.

(iii) That one of the bailors shall be Lave Kumar, who is the brother of the petitioner and deponent of the present bail



petition.

(iv) That if the petitioner tampers with the evidence or witnesses in any manner, the Trial Court shall be at liberty to cancel the bail bond of the petitioner.”

(Chandra Shekhar Jha, J)

Ankit/-

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