

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16961 of 2022

Arising Out of PS. Case No.-71 Year-2021 Thana- KUNALI District- Supaul

1. Subhash Kumar Yadav, Son of Jageshwar Yadav, Resident of Village - Kamalpur, Ward no.13, P.S.- Kanali (Kunali), Distt.- Supaul.
2. Niraj Yadav, Son of Durganand Yadav, Resident of Village - Kanchanpur Koshi Nagarpalika, Ward no.9, P.S.- Fattepur, Distt.- Suptari (Nepal.)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhim Kumar Yadav, Adv.

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 15-06-2022 Learned counsel for the petitioners undertakes to remove all the defects pointed out by the Stamp Reporter within four weeks after start of normal functioning of the Court.

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

The petitioners in the present case are seeking regular bail in connection with Kunali (Kunali) P.S. Case No.71 of 2021 registered for the offences punishable under Sections 25(1-B)A/26/35 of the Arms Act. They are in custody since 13.12.2021 The petitioners have got no criminal antecedent.

As per the prosecution story when the S.I. of Police was on patrolling duty and reached near Kamalpur village, in



course of checking one Pulsar motorcycle was intercepted. Three persons were riding on the said motorcycle and on seeing the police they started fleeing away but with the help of the members of the patrolling party they were caught on the spot. It is alleged that on search one pistol on body of which one side Made in China and other side Made in USA were inscribed has been recovered. The said pistol was recovered from the possession of co-accused Satish Kumar Yadav. So far as these petitioners are concerned, it is alleged that from possession of petitioner no.1 a pulsar motorcycle and from the possession of petitioner no.2 one mobile has been recovered.

Learned counsel for the petitioners submits that these petitioners have been falsely implicated in this case, there is no recovery of any incriminating article from the possession of the petitioners and they have remained in custody for a substantial period during which investigation against them is complete. It is further submitted that the presence of the petitioners may also be secured in course of trial.

As regards petitioner no.2 it is submitted that his father-in-law namely Durga Prasad Yadav has sworn an affidavit that he will one of the sureties on behalf of the petitioner no.2 and shall submit an undertaking to get the appearance of



petitioner no.2 secured in course of trial.

Learned APP for the State has though opposed the prayer for regular bail of the petitioners, considering the facts and circumstances of the case, the fact that there is no recovery of any incriminating article from the possession of these petitioners, investigation against them is complete and father-in-law of petitioner no.2 is ready to stand as a surety, this Court directs release of the petitioners above named on bail on furnishing bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) each with two sureties of the like amount each to the satisfaction of Sri B. Bhushan, J.M., Birpur (Supaul) in connection with Kunauli (Kunali) P.S. Case No.71 of 2021, subject to the conditions as laid down under Section 437(3) Cr.P.C.

And further condition that for petitioner no.2, his father-in-law shall stand as one of the sureties.

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.

This application stands disposed of.

(Rajeev Ranjan Prasad, J)

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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'.

