

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30098 of 2021

Arising Out of PS. Case No.-129 Year-2020 Thana- GHOSWARI District- Patna

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ARUN YADAV Son of Late Vilmiki Yadav Resident of Village - Malpur, P.S.-
Ghoswari, District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shashank Shekhar, Adv

For the Opposite Party/s : Mr.A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 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 and 35 of Arms Act.

The prosecution case, in short, is that the informant alleges that one country-made rifle .303 bore, one magazine, four live cartridges of .303 bore and six live cartridges of pistol were recovered from the side of Godrej Alimrah in the house of the petitioner.

Learned counsel appearing for the petitioner submits



that the petitioner has clean antecedent. He has falsely been implicated in the present case. He further submits that it appears from the FIR that one rifle and country made magazine and four live cartridges have been recovered from the house of the petitioner. He further submits that in fact nothing has been recovered from the house of the petitioner rather the police has planted and shows that the arms and ammunition have been recovered from the house of the petitioner. He further submits that the co-accused, namely, Rajesh Paswan has been granted bail vide order dated 03.12.2021 in Cr. Misc. No.35439 of 2021 and another co-accused, namely, Sujit Yadav has also been granted bail vide order dated 03.12.2021 in Cr. Misc. No.34440 of 2021 by a Coordinate Bench of this Hon'ble Court. He further submits that the police, after investigation, submitted chargesheet against the petitioner on 19.12.2020 and the petitioner is in custody since 23.10.2020.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

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 Ghoswari (Samyagarh O.P.) Police Station Case No.129 of 2020, 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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