

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23274 of 2022

Arising Out of PS. Case No.-363 Year-2021 Thana- DEEPNAGAR District- Nalanda

Dayanand Yadav Son Of Late Lokhan Yadav Resident Of Village- Wazitpur,
P.S- Deepnagar, Dist- Nalanda

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Raj Kishor Prasad, Advocate.

For the Opposite Party/s : Mr. Mohammed Arif, APP.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 28-07-2022 Let the defect, if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Deepnagar P.S. Case No. 363 of 2021 lodged under Sections
25(1-b)a/26/35 of the Arms Act.

The prosecution story is that, the informant who is a
police officer has disclosed that for the purpose of investigation
and raid, he was on duty alongwith his team. When the police
party reached near the house of the accused Dayanand Yadav
two persons started fleeing away, out of which one person was
caught. Upon query he disclosed his name as Dayanand Yadav,
from his possession a bag was recovered in which 11 live

cartridges were recovered and he is in custody since 12.10.2021.

Learned counsel for the petitioner submits that for the said offence he is in custody for about nine months and odd. He submits that chargesheet has already been filed in this case and there is total 2 cases in addition to the present one is pending against him. He further submits that prior to 11.10.2021 his antecedent was clean but on the said unfortunate day due to blessings of the police, 3 cases Deepnagar P.S. Case No. 361 of 2021, Deepnagar P.S. Case No. 362 of 2021 and Deepnagar P.S. Case No. 363 of 2021 (in which he is praying for bail) have been filed.

Learned counsel for the State opposes the prayer for bail and submits that live cartridges have been recovered from the possession of the petitioner.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.20,000/- (Rupees Twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nalanda at Biharsharif in connection with Deepnagar P.S. Case No. 363 of 2021, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall resulted into cancellation of his bail bond.

B. One of the bailor shall be close relative who shall file affidavit before the court about his relation with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J)

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