

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25189 of 2022

Arising Out of PS. Case No.-119 Year-2022 Thana- DUMRAO District- Buxar

Rishikesh Yadav, Son of Ashok Yadav Resident of Village- Barki Nainijore
Gajadhar Dera, Police Station- Ninijore, District- Buxar.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhavesh Kumar, Advocate

For the Opposite Party/s : Mr. Ramchandra Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 05-08-2022 Heard learned counsel for the petitioner and the learned
APP for the State through virtual mode in view of COVID-19.

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

The petitioner is in judicial custody in connection with
Dumraon P.S. Case No.119 of 2022 instituted under Sections
420,467,468,471,414,120(B)/34 of the Indian Penal Code and under
Section 25(1-b)a, 35 of the Arms Act.

As per the FIR, the police intercepted a motorcycle and
upon search, countrymade revolvers and magazines were
recovered/seized from the two accused persons who were riding the
said motorcycle. It also had a license for the said arms issued by the
District Magistrate, Kishtwar, Jammu & Kashmir. Upon
interrogation, the accused informed that these are fake licenses which
was to be delivered to co-accused Mantan at Patna and he further
informed that the licenses are being prepared by this petitioner.



Subsequently, the house of the petitioner herein was raided and it is alleged that one more fake license issued from the office of District Magistrate, Udhampur, Jammu & Kashmir was recovered/seized.

Learned counsel for the petitioner submits that only to implicate this petitioner, the confessional statement of the co-accused has been incorporated which reflects from the FIR which was lodged on 11.03.2022 at 03:30 whereas the recovery/seizure from the house of the petitioner (which finds incorporated in the FIR itself) has been shown as at 08:45 on 11.03.2022. He as such has casts aspersion on the conduct and attitude of the police officials and the averments made in the FIR.

He further submits that on the basis of said confession the petitioner was arrested and is in custody since 12.03.2022 (as stated in para-1 of the bail application). He further submits that he has clean antecedent.

Taking into account the aforesaid facts that his name has come in the confessional statement of the co-accused, the timing/recovery/seizure of the alleged fake license as incorporated in the FIR, as also the fact that he has clean antecedent and is in jail since 12.03.2022, this Court is inclined to grant him privilege of bail with certain conditions.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Dumraon P.S. Case No.119 of



2022 to the satisfaction of learned Chief Judicial Magistrate, Buxar,
subject to following conditions:

(i) one of the bailor should be the family member of the
petitioner, who shall provide official document to show his/her bona
fide;

(ii) the petitioner shall appear on each and every date
before the Trial court and failure to do so for two consecutive dates
without plausible reasons will entail cancellation of his bail by the
Trial court itself;

(iii) the petitioner shall appear before the concerned police
station every month for next six months to mark his presence;

(iv) the petitioner shall desist from committing any
criminal offence again failing which the State shall be at liberty to
steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is
allowed.

(Rajiv Roy, J)

Prakash Narayan /-

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