

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26048 of 2022

Arising Out of PS. Case No.-284 Year-2021 Thana- SULTANGANJ District- Bhagalpur

Bimal Kishore Yadav Son of Late Chaturbhuj Yadav Resident of Village -
Block colony, Sultanganj, P.s.- Sultanganj, Distt.- Bhagalpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Manoj Kumar Jha, Advocate

For the Opposite Party/s : Mr.Dr. Ajeet Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 05-08-2022 Heard learned counsel for the petitioner and learned
APP for the State in Virtual Court Proceeding.

Let the defect(s), if any, as pointed out by the
office, be removed within four weeks.

The petitioner is in custody in connection with
Sultanganj P.S. Case No. 284 of 2021 under section 25(1-b)a, 26
& 35 of the Arms Act.

As per the allegation in the FIR, the police upon
information that the petitioner herein has kept illegal arms in his
house, raided the same and upon search it has been alleged that
two country made pistols were recovered/seized whereas from
the pocket of the petitioner, two live cartridges were also
recovered/seized and no documents in support of the said arms
were produced. In the meanwhile, the son of the petitioner also



reached there but he failed to give satisfactory answer as also to produce any documents about the aforesaid seizure.

Learned counsel for the petitioner submits that he has been implicated in this case due to political rivalry as he was the 'Sarpanch' of the area. He further submits that opposite parties with whom he had political issue in connivance with the police has framed him in this case for which he has suffered a lot by being in jail since 20.12.2021 (as stated in para-16 of the bail application).

Considering the aforesaid facts as also that he is in custody since 20.12.2021 and charge-sheet stands submitted, this Court is inclined to grant him the privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of A.C.J.M.-1st, Bhagalpur, in connection with Sultanganj P.S. Case No. 284 of 2021 corresponding to G.R. No. 5304 of 2021 subject to the following conditions:

- (i) one of the bailors should be the family members 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 his cancellation of bail by the Trial Court itself;

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

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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