

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31528 of 2022**

Arising Out of PS. Case No.-128 Year-2021 Thana- PASRAHA District- Khagaria

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Brajesh Yadav S/o Shambhu Yadav Resident of Village- Bandehra, P.S.-
Pasraha, District- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

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

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 20-09-2022 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 and 26(i) of the

Arms Act.

One country made pistol along with nine live

cartridges was recovered from the possession of the petitioner.

Learned counsel for the petitioner submits that the

petitioner is innocent and he has been falsely implicated in the

present case. He further submits that as per F.I.R. as well as

seizure list one country made pistol and nine live cartridges



have been recovered from the possession of the petitioner. He further submits that in fact nothing has been recovered from the possession of the petitioner rather the police has planted the same and shown that the recovery has been made from the possession of the petitioner and the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 26.09.2021.

Learned APP for the State has opposed the prayer for bail of the petitioner on the ground that the petitioner carries five more cases other than the present one.

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/- (Rupees 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 Pasraha P.S. Case No. 128 of 2021, 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.



(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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 antecedents, 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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