

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38693 of 2021

Arising Out of PS. Case No.-10 Year-2021 Thana- MANSI District- Khagaria

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Anil Yadav, S/o Ramotar Yadav R/o village- Rohiyar, P.S.- Mansi, District-
Khagaria

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ranjeet Kumar Singh, Adv.

For the Opposite Party/s : Mr.Md. Matloob Rab, APP

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 03-01-2022 Heard learned counsel for the petitioner as well as

learned APP for the State.

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

Petitioner who is in custody since 08.01.2021 seeks
bail in connection with Mansi P.S. Case No.10 of 2021, G.R.
No.99 of 2021 registered for offence punishable under Section
25(1-b)a/26 of Arms Act.

Prosecution case in brief, is that while vehicle
checking was going on at village-Balkunda, the petitioner was
apprehended with four live cartridges of .315 bore and a loaded
pistol, accordingly seizure list was prepared in presence of
witnesses.

Learned counsel for the petitioner submits that
petitioner has falsely been implicated in this case and the seizure



list as alleged has not been prepared in presence of the petitioner, neither the petitioner was present at the time of seizure and on imaginary basis the petitioner has been made accused on the basis of two independent witnesses who are in inimical terms with the petitioner. He further submits that the two independent witnesses are not even independent witness, they are the police officials.

Learned counsel appearing on behalf of the State, however, opposed the prayer for grant of bail to the petitioner.

Considering the above-mentioned facts and circumstances of the case and on perusal of the seizure list, it appears that same was not prepared in presence of the petitioner and it also do not content any signature showing the fact that the seizure was made, after verifying the original copy of the seizure list as to whether the same contains the signature of the petitioner or not, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.25,000/-(Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Khagaria in connection with Mansi P.S. Case No.10 of 2021, G.R. No.99 of 2021, subject to the following conditions:-

- (1) Bailors should be local having sufficient



immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court.

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

(Purnendu Singh, J)

Prakash Narayan /-

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