

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40368 of 2021**

Arising Out of PS. Case No.-22 Year-2021 Thana- SAHARSA SADAR District- Saharsa

RANJESH YADAV @ RANJESH DAS Son of Dev Narayan Yadav Resident
of Village- Kahra, Ward No. 10, P.S. and District- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Mishra, Advocate.

For the Opposite Party/s : Mr.Bharat Bhushan, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH

ORAL ORDER

3 31-01-2022 Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

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

The petitioner, who is in custody since 23.03.2021,
seeks regular bail in connection with Saharsa Sadar P.S. Case
No. 22 of 2021 for the offence punishable under Sections 25(1-
b)a, 26 and 35 of the Arms Act.

The prosecution case, in brief, is that when the house
of the petitioner was searched, one loaded pistol was recovered



from the bed of the petitioner.

Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and he has falsely been implicated in this case. He further submits that nothing has been recovered from the conscious possession of the petitioner rather the false case of recovery of arms from the bed of the petitioner has been made out due to the fact that the petitioner has been made accused in several other cases. Seizure list has not been prepared either in presence of any of the family members or his neighbour or the independent witnesses, as such the same cannot be relied upon, hence the very allegation of recovery of arms from the house of the petitioner is falsified. Petitioner is in custody since 23.03.2021. As such the petitioner be released on bail.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner and submits that it is quite apparent from the seizure list as well as allegation made in the F.I.R. that the arms was recovered from the house of the petitioner and petitioner taking the advantage of darkness fled away from the place of occurrence, as such the petitioner does not deserve to be released on bail.

Considering the aforementioned facts and



circumstances of the case, nothing has been recovered from the possession of the petitioner, seizure list was not prepared in presence of any independent witness or the same has not been handed over to any of the family members of the petitioner in whose presence alleged recovery of arms was made, petitioner is in custody since 23.03.2021 and there is no allegation of tampering with the evidence or influencing the witnesses, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Saharsa in connection with Saharsa Sadar P.S. Case No. 22 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.

(4) If the petitioner is found involved in similar nature



of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

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