

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40357 of 2021**

Arising Out of PS. Case No.-340 Year-2020 Thana- SONO District- Jamui

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LAKHAN YADAV S/o Shankar Yadav R/o Village- Chilka, Khar, P.S.- Sono,
District- Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Niranjana Parihar, Advocate.

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

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH

ORAL ORDER

5 18-02-2022 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 26.12.2020,
seeks regular bail in connection with Sono (Charkapathar) P.S.
Case No. 340 of 2020 for the offence punishable under Sections
25(1-b)a, 26 and 35 of the Arms Act.

The prosecution case, in brief, is that on getting
information that one person having possessed with weapon is



wandering near Khijra forest, the police proceeded there. On seeing the police, that person tried to flee away, but on chase apprehended by the police who disclosed his name as Lakhan Yadav (petitioner) and on search, one country made pistol along with three live cartridges were recovered from his possession. Accordingly seizure list was prepared.

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 conscious possession of the petitioner. The police has roped him in this case because prior to the present case he has been made accused in two other cases and due to enmity he has been made accused by showing recovery of one country made pistol and three live cartridges. Petitioner is in custody since 26.12.2020. He may be released on bail on any condition imposed by this Court.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner and submits that lethal weapon has been recovered from the possession of the petitioner and petitioner is a known criminal who is involved in two other cases and as such the bail application of the petitioner be rejected.



Considering the aforementioned facts and circumstances of the case, nature of allegation as well as period of custody 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 Judicial Magistrate 1st Class, Jamui in connection with Sono (Charkapathar) P.S. Case No. 340 of 2020, 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.

(5) The court below is directed to verify the



**criminal antecedent of the petitioner and if the petitioner is
found accused in any other case as mentioned in Para-3 of
the bail petition, his bail bonds shall be cancelled.**

(Purnendu Singh, J)

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