

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41930 of 2021**

Arising Out of PS. Case No.-282 Year-2020 Thana- KASIMBAZAR District- Munger

BUDHAN YADAV @ BUDDHAN YADAV @ BUDDHDEO @
BUDDHDEO YADAV Son of late Siyaram Yadav Resident of Village-
Naulakha, P.S.- Kasim Bazar, Distt.- Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vaidehi Raman Prasad Singh, Advocate
For the Opposite Party/s : Mr. Anuj Kumar Shrivastava, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER**

4 03-03-2022 Heard learned counsel appearing on behalf of the
petitioner and 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 07.10.2020, seeks
regular bail in connection with Kasim Bazar P.S. Case No. 282
of 2020 corresponding to Sessions Trial No. 115 of 2021
registered for offences punishable under Sections 25(1-A)/25(1-
AA)/25(1-b)a/26(i)(ii)/35 of the Arms Act.

Prosecution case, in brief, is that on 06.10.2020 at
about 22.50 hours, informant received secret information that
petitioner is doing sell-purchase of illegal arms from his house.
The informant alongwith his team conducted raided of the house



of the petitioner and arrested him while he was trying to flee away. On search, three country made pistol, two cartridges of AK 47 and six piece live cartridges were recovered.

Learned counsel appearing on behalf of the petitioner submits that petitioner is in custody since 07.10.2020. Charge-sheet has been submitted. The petitioner has been forced to put his signature on the seizure list in the police custody which has no evidentiary value. Nothing has been recovered from the conscious possession of the petitioner.

Learned A.P.P., for the State has opposed the prayer for grant of bail to the petitioner. He submits that arms and ammunition were recovered from the conscious possession of the petitioner and as such he does not deserve to be released on bail.

Considering the aforesaid facts and circumstances of the case, without going into the merits of the case, the petitioner, above named, is directed to be released on bail upon furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge VIII, Munger in connection with Kasim Bazar P.S. Case No. 282 of 2020 corresponding to Sessions Trial No. 115 of 2021 subject to the following



conditions:

(i) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

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

(iii) 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.

(iv) 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 bond.

(v) The above order is subject to the condition that if the petitioner is involved in any other case as what has been stated in paragraph no. 3 of the bail application, this order will automatically loose its force.

(Purnendu Singh, J)

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