

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42911 of 2021**

Arising Out of PS. Case No.-119 Year-2021 Thana- ITARHI District- Buxar

Divyanshu Kumar Yadav @ Dibyanshu Kr. Yadav @ Divyanshu Kumar @
Chhote, Son of Satyendra singh @ Satendra Singh Resident of Village -
Suraundha, Police Station - Itarhi, District - Buxar.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajeev Ranjan, Advocate

For the Opposite Party/s : Mr.Nitya Nand Tiwary, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 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) be removed within two weeks of the
complete start of the physical Court in normal course.

The petitioner, who is in custody since 18.03.2021,
seeks regular bail in connection with Itarhi P.S. Case No. 119 of
2021, for the offence punishable under Section 25(1-b)a, 26 of
the Arms Act.

The prosecution case, in brief, is that on receiving
secret information regarding sitting of a boy along with country
made pistol to commit crime near Kukudha Chowk, the
informant and other Police personnel reached there and on
seeing them, the petitioner was trying to escape from there, but



he was apprehended. On search, one loaded country made pistol of 315 bore and a cartridge of 315 bore were recovered from the possession of the petitioner. 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 due to the fact that he has been made accused in other cases. He further submits that the Police has taken confessional statement of the petitioner in the Police custody and the seizure-list was also prepared there showing the alleged recovery of country made pistol and one live cartridge.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner. He further submitted that petitioner has confessed his guilt and he has criminal history so he does not deserve to be released on bail.

Considering the aforementioned facts and circumstances of the case, the petitioner has made specific statement in paragraph No. 7 of the bail application that petitioner was called in Police Station, where he was forced to sign the seizure-list showing the alleged recovery of arms from the possession of the petitioner, and also looking into the period of custody, the Court below is directed to verify the criminal



antecedent of the petitioner and if it is found that no other case is pending as what has been stated in paragraph No.3 of the present bail application, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Addl. Chief Judicial Magistrate-IV, Buxar in connection with Itarhi P.S. Case No. 119 of 2021, subject to further condition that the petitioner will make his attendance before the S.H.O. of the concerned Police Station every Saturday at 9.00 A.M and the S.H.O is required to send attendance of the petitioner, on monthly basis, to the Superintendent of Police, Buxar till conclusion of the trial, if there is even a single day default, the bail bonds of the petitioner shall, automatically, be cancelled as well as 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)

manish/-

U		T	
---	--	---	--

