

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32321 of 2022

Arising Out of PS. Case No.-168 Year-2021 Thana- UDAKISHUNGANJ District-
Madhepura

=====

KUNDAN YADAV @ KUNDAN KUMAR YADAV S/o Dashrath Yadav
Resident of Village- Shekhpur Chaman, P.S.- Udakishunganj, District-
Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Pawan Kumar

For the Opposite Party/s : Mr.Raj Kishore Singh

=====

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 26-08-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within one

month.

Petitioner seeks regular bail in a case registered for the
offence punishable under sections 25(I-AA), 25(1-b)a, 26, 35 of the
Arms Act.

As per allegation. On a tip off, the police raided **Basa** of
the petitioner and seeing the police, accused persons started fleeing
away and one of them was caught hold by the police who disclosed
his name as Sanjeev Yadav and a country made carbine with a
magazine and 9 mm bullets were recovered from his possession.

The main submissions advanced by Sri Pawan Kumar, the
learned counsel appearing for the petitioner are that nothing was
recovered from possession of the petitioner, alleged recovery was



made from possession of co-accused Sanjeev Yadav who has been granted bail by Addl. Sessions Judge VII, Madhepura vide order passed on 14.12.2021 in BP no. 1018/2021, petitioner has been languishing in jail since 8.10.2021 and against him investigation has been completed.

Sri Raj Kishore Singh, learned APP appearing for the State has opposed the prayer for bail.

Heard both sides and perused the FIR as well as seizure list. Present case relates to recovery of a country made carbine with a magazine and nine 9 mm bullets. As per FIR said recovery of arms was made from possession of co-accused Sanjeev Yadav and as per submission of learned counsel for the petitioner co-accused Sanjeev Yadav has been granted bail by Addl. Sessions Judge VII, Madhepura vide order passed on 14.12.2021 in BP no. 1018/2021 and as per FIR, petitioner is not alleged to have been arrested at the spot and his name surfaced in the statement of co-accused Sanjeev Yadav who is now on bail. In the present case, petitioner has been languishing in jail since 8.10.2021 and against him investigation has been completed.

Considering these facts as well as above submissions, in the opinion of this court, a lenient approach can be taken in respect of the petitioner. Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Addl. Chief Judicial Magistrate



I, Udakishunganj District Madhepura in Udakishunganj P.S Case No.
168 of 2021 on the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court below and shall remain physically present as directed by the Court below and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

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

(3) One of the bailers shall be close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

(Shailendra Singh, J)

s.hassan/-

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

