

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42124 of 2021

Arising Out of PS. Case No.-277 Year-2020 Thana- GOGRI District- Khagaria

RAJESH YADAV S/O BISHO YADAV @ VISO YADAV R/O VILLAGE-
BARETA, P.S-GOGARI, DISTRICT-KHAGARIA

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Viveka Nandsingh

For the Opposite Party/s : Mr.Tarkeshwar Nath Thakur

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 01-02-2022 Heard learned counsel for the parties through video conferencing.

Petitioner seeks regular bail in connection with Supplementary Gogri P.S. Case No. 277 of 2020 registered for the offence under Section 25 (1-b)a / 26 (ii) / 35 of the Arms Act.

As per the First Information Report Police got secret information that two criminals are sitting near Bashudevpur Thakurbari armed with illegal weapons, proceeded towards the place of occurrence and upon seeing the Police party accused persons started fleeing away, however, one of them was apprehended and one person succeeded in fleeing away after throwing a black colour 'bindoliya' (bag). In the bindoliya (bag) six cartridges were found. From the possession of the



arrested co-accused one country made pistol with a live cartridge were recovered.

Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case on the basis of disclosure of his name by the arrested co-accused from whose possession illegal arms and cartridge were recovered. He further submits that no cartridge / 'bindoliya' (bag) has been recovered from the conscious possession of the petitioner. The petitioner is in custody for more than one year i.e. since 24 / 9 / 2020 , charge sheet has already been submitted and there is no likelihood that the the petitioner will abscond or tamper with the evidence if released on bail.

On the other hand, learned counsel for the State opposes the prayer for bail and submits that petitioner has got criminal antecedent and altogether 08 cases are pending against the petitioner.

Regard being had to the submissions made by the parties and taking into consideration the materials available on record, the fact that name of the petitioner has transpired on the basis of disclosure of his name by the arrested co-accused, no fire arm / cartridge has been recovered from the conscious possession of the petitioner, he is in custody since 24 / 9 / 2020



, charge sheet has already been submitted and trial is not likely to be concluded in near future due to Covid 19 pandemic, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, above named, be released on regular bail on furnishing bail bond of Rs. 25000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of Smt. Pallavi Aanand, Judicial Magistrate 1st Class, Khagaria in connection with Gogri P.S. Case No. 277 of 2020 on the following conditions:-

(a) that the petitioner shall remain present on each and every date during the course of trial and in case of default on two consecutive dates on the part of the petitioner, his bail bond shall liable to be cancelled.

(Anil Kumar Sinha, J)

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