

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43589 of 2021

Arising Out of PS. Case No.-1 Year-2021 Thana- GHOSWARI District- Patna

ANIL YADAV Son of Late Brahmdeo Yadav @ Brahmdeo Ray Resident of
Village- Ram Nagar, P.S.- Ghoswari, District- Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhay Kumar, Advocate.

For the Opposite Party/s : Mr.Khurshid Anwar, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 02-02-2022 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 03.01.2021,
seeks regular bail in connection with Ghoswari P.S. Case No. 1
of 2021 for the offence punishable under Sections 147, 148,
307, 504 and 506 of the Indian Penal Code and Sections 25(1-
b)a, 26 and 35 of the Arms Act.

The prosecution case, in brief, is that when the police
party reached at the house of Ramdhin Yadav and surrounded
his house, they arrested six persons namely Rajesh Kumar,



Gariban Kumar, Nawal Kumar, Ramdhin Yadav, Anil Yadav and Parmanand Kumar and on search, one country made pistol and three cartridges were recovered from the possession of the petitioner. Two persons namely Raju Yadav and Ajay Yadav managed to flee away and also five empty cartridges were recovered from there.

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 enmity. Petitioner has clean antecedent and there is no allegation of any firing in the F.I.R. He has been made accused along with other co-accused. Although seizure of one pistol and live cartridges has been made from conscious possession of the petitioner, but in want of any firing and any witness supporting the said fact, the allegation against the petitioner is not made out under Sections 25(1-b)a, 26 and 35 of the Arms Act and Section 307 IPC. He further submits that the petitioner has been implicated in this case due to personal enmity with the police. Petitioner is in custody since 03.01.2021.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner.

Considering the aforementioned facts and circumstances of the case, there is no allegation of assault by the



pistol, the petitioner was apprehended along with other co-accused, no one has sustained injury in the present case and the petitioner is in custody since 03.01.2021, 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, Barh, Patna in connection with Ghoswari P.S. Case No. 1 of 2021, 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)

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