

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46099 of 2021

Arising Out of PS. Case No.-15 Year-2020 Thana- MAIGRA District- Gaya

Sudhir Yadav, aged about 26 years (Male), Son of Rameshwar Yadav Resident of Village- Nawratanpur, P.S.- Pratappur, District- Chatra (Jharkhand).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sudhir Kumar Sinha, Adv.

For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

6 23-02-2022 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

Petitioner seeks bail in connection with Maigra P.S. Case No. 15 of 2020 registered for the offences punishable under Sections 25 (1-B)A/26 of the Arms Act.

The prosecution case, in short, is that on the basis of the confessional statement of the petitioner in Maigra P.S. Case No. 50 of 2019, the police has recovered two country made pistols each of 12 bore and 15 bore respectively and two cartridges of .315 bore and the petitioner has neither given satisfactory answer nor shown any valid documents in respect of the recovered arms by the police.

Learned counsel for the petitioner submits that petitioner has criminal antecedent but, is innocent and has



committed no offence and has falsely been implicated in the present case. Learned counsel for the petitioner further submits that from the F.I.R. itself, it appears that the petitioner was arrested in Maigra P.S. Case No. 50 of 2019 in which he had given his confessional statement and, on the basis of his disclosure, the police recovered two country made pistol and two live cartridges. He further submits that nothing incriminating has been found from the conscious possession of the petitioner. He further submits that the petitioner is in custody since 19.09.2020.

Learned Additional Public Prosecutor has vehemently opposed the prayer for bail to the petitioner stating that the petitioner carries six more criminal antecedents other than the present one as is evident from paragraph no.3 of the present bail petition.

Considering the aforesaid facts and circumstances, let the petitioner, above named, 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 learned Judicial Magistrate, 1st Class, Gaya in connection with Maigra P.S. Case No. 15 of 2020, subject to 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 and shall remain physically present as directed by the court 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. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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