

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40120 of 2022

Arising Out of PS. Case No.-161 Year-2022 Thana- BIBHUTIPUR District- Samastipur

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RAM DAYAL YADAV @ NANGIDRI S/o Late Ram Sudhari Yadav R/o
village- Abhaipura, P.S.- Hasanpur, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Binod Kumar

For the Opposite Party/s : Mr.Mohammad Sufyan

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 14-11-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Bibhutipur P.S. Case No. 161 of 2022 registered for the offences
punishable under Sections 25(1-b), 26, 35 and 25(1-A) of the
Arms Act.

As per prosecution case, there is alleged recovery
of one country made pistol alongwith five live cartridges below
the pillow under the head of petitioner.

Learned counsel for the petitioner submits that
petitioner is in custody since 22.04.2022. Petitioner bears
criminal antecedent of eight cases. He further submits that



alleged incriminating articles have been recovered from the hut of Rambahadur Rai upon bed but surprisingly he has not been made accused in this case and petitioner has been roped in the present case. There is no compliance of 100 Cr.P.C. Learned counsel for the petitioner submits that petitioner has inimical term with the witness of seizure list.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail **after framing of charge**, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Rosera, District Samastipur in connection with Bibhutipur P.S. Case No. 161 of 2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will



remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(iv) Petitioner shall furnish mobile number at the time of furnishing bail bond and the said mobile number shall continue in operating condition till disposal of the case and he shall get his presence marked before the officer-in-charge of the concerned police station on the first Tuesday of every month.

(v) However, if petitioner violates any of the conditions, the court below is at liberty to cancel the bail bond of the petitioner.

(Alok Kumar Pandey, J)

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