

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40013 of 2022

Arising Out of PS. Case No.-315 Year-2022 Thana- BIHTA District- Patna

1. MANISH KUMAR YADAV Son of Mahesh Kumar Yadav Resident of Village - Usri Bandh, P.S. - Shahpur, District - Patna.
2. Vikash Kumar @ Vikash Kumar Yadav Son of Mahesh Kumar Yadav Resident of Village - Usri Bandh, P.S. - Shahpur, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binay Kant Mani Tripathi, Advocate

For the Opposite Party/s : Mr. Aditya Narayan Singh.1, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 11-10-2022 Heard learned counsel for the petitioner and learned counsel for the State.

Let the defect(s), if any, as pointed out by the office be removed within four weeks.

The petitioner is an accused in connection with Bihta (Neura O.P.) P.S. Case No. 315 of 2022 under Sections 25 (1-b)a, 26 and 35 of the Arms Act.

The two petitioners are before this Court and as per the FIR, upon secret information, the police party reached village -Neura and saw them in suspicious condition. They tried to escape but were apprehended. On search, it is alleged that from petitioner no. 1, one country-made pistol with seven cartridges were recovered whereas from petitioner no.2, another country-made pistol with six cartridges were recovered. As they failed to provide any document, the same were seized, FIR



instituted and they were taken into custody.

Learned counsel for the petitioners submit that it is hard to believe that the two brothers standing side-by-side were armed with illegal weapons and they have been implicated by the police merely due to local politics. It is his further submissions that they do not carry any criminal antecedent and are in jail since 07.04.2022 (as stated in paragraph-18 of the bail application).

Mr. Aditya Narayan Singh -I, learned APP for the State submits that the police have caught them red handed along with country-made pistol and live cartridges and as such, they do not deserve bail.

Taking into account the aforesaid fact that the petitioners are in custody since 07.04.2022, they do not have any criminal antecedent, are young and need a chance to reform, charge sheet stands submitted and ultimately they have to face the trial, this Court is inclined to grant them privilege of bail.

Let the petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of learned ACJM-1st, Danapur in connection with Bihta (Neura O.P.) P.S. Case No. 315 of 2022, subject to the following conditions:-



(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Jagdish/Neha-

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