

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40038 of 2022

Arising Out of PS. Case No.-274 Year-2022 Thana- ARARIA District- Araria

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PAPPU YADAV @ PAPPU PELU S/O CHHOTU YADAV Resident of
Village- Khraihiya Basti, Ward No.- 10, P.S. and District- Araria.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Prasad Singh, Advocate

For the Opposite Party/s : Mr. Awadhesh Kumar Singh, APP

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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
Araria P.S. Case No. 274 of 2022 under Sections 25(1-b), a/26
of the Arms Act.

As per the prosecution story, in course of patrolling,
the police found a person in suspicious condition. The accused
tried to escape but with the help of police force, he was
apprehended. Upon search in the presence of independent
witnesses, one country made pistol and two live cartridges were
recovered beside a mobile phone and a cash of Rs. 7600/-. As he
failed to provide any document, seizure list prepared, FIR



instituted and he was taken into custody.

Learned counsel for the petitioner submits that only because he has criminal antecedent, he is being implicated in a case one after another. He further submits that he is in custody since 04.04.2021 (as stated in paragraph-13 of the bail application) and charge sheet stands submitted. He lastly submits that if released on bail, he is ready to abide by all the terms and conditions as imposed by this Court.

Learned APP, on the other hand, submits that the police has apprehended him with country made pistol and two live cartridges and as such, he has approached this Court for prayer of bail.

Be that as it may, the petitioner is in custody since 04.04.2022, charge sheet stands submitted and ultimately he has to face the trial, this Court is inclined to grant him privilege of bail with strict condition in view of the fact that he has criminal antecedent.

Let the petitioner be released on bail on furnishing bail bond of Rs. 15,000/- (Fifteen Thousand) with two sureties of like amount each to the satisfaction of Chief Judicial Magistrate, Araria in connection with Araria P.S. Case No. 274 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 leave the district Araria for a period of three month(s) after providing name and address and police station of his place of stay during the said period and he shall be duty bound to visit the police station concerned (where he will stay) every week to mark his attendance;

(iv) upon return to his district, he shall visit the concerned police station every fortnight for the next six months to mark attendance;

(v) 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;

(vi) 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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