

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49667 of 2021

Arising Out of PS. Case No.-23 Year-2021 Thana- PASRAHA District- Khagaria

RAKESH YADAV Son of Late Ganesh Yadav R/o Village- Basua, P.S.-
Pasraha, District- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Viveka Nandsingh,Adv

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

6 12-04-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

A supplementary affidavit, carrying out necessary correction in the main petition, has been filed on behalf of the petitioner, which is kept on record.

Heard learned counsel for the petitioner and learned APP for the State.

Petitioner seeks bail in a case registered for the offences punishable under Section 25(1-B)a,26(i) of the Arms Act.

During course of search from waist of the petitioner, one country made Katta loaded with a live cartridge and from bindoliya 13 live cartridges have been recovered.



Learned counsel appearing for the petitioner submits that the petitioner has falsely been implicated in the present case. He further submits that it appears from the FIR as well as seizure list that one country made Katta loaded with a live cartridge and from bindoliya 13 live cartridges have been recovered from possession of the petitioner. He further submits that there is no independent witness of the seizure list. He further submits that there is violation of Section 100 Cr.P.C. and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 10.02.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries eight more cases other than the present one.

Considering the facts and circumstance of the case, 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 learned Court below where the case is pending in connection with Pasraha Police Station Case No.23 of 2021, with 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/her absence on two consecutive dates without sufficient reason, his/her 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.

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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