

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44830 of 2022

Arising Out of PS. Case No.-22 Year-2022 Thana- CHAUSA District- Madhepura

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RAMESH YADAV Son of Radhe Yadav Resident of village - Bashaitha Juri
Mouji Tola, Police Station - Chausa, District - Madhepura.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dilip Kumar

For the Opposite Party/s : Mr.Anuj Kumar Shrivastava

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 05-12-2022 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 Chausa
P.S. Case No. 22 of 2022 registered for the offences punishable
under Sections 25(1-b)a, 26 and 35 of the Arms Act.

As per prosecution case, there is alleged recovery of
one loaded country made pistol alongwith five live cartridges from
the possession of the petitioner.

Learned counsel for the petitioner submits that
petitioner is in custody since 07.02.2022. Petitioner bears criminal
antecedent of four cases. Charge sheet has been submitted in the
case and there is no likelihood of tampering with the prosecution



evidence. Petitioner is quite innocent and has committed no offence as alleged against him in FIR. No incriminating article has been recovered from the possession of the petitioner. He further submits that seizure list has not been prepared in accordance with law and the police has taken signature of the petitioner on a blank paper and the said paper was later on used as a confessional statement of the petitioner.

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, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, 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, Udakishunganj, Madhepura in connection with Chausa P.S. Case No. 22 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) Petitioner shall not leave the territorial jurisdiction of the concerned trial court without appropriate permission of the court concerned.

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

(Alok Kumar Pandey, J)

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