

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54677 of 2021**

Arising Out of PS. Case No.-147 Year-2020 Thana- ROSHANGANJ District- Gaya

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SALLU YADAV @ SALU YADAV @ AJAY KUMAR S/o Arjun Yadav R/o
village- Bihargaya Tola, Nainagarh, P.S.- Roshanganj, Distt.- Gaya

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.S. Jamil Akhtar, Adv

For the Opposite Party/s : Mr.Ajay Kumar No. 2, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 22-01-2022 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.

Heard learned counsel for the petitioner and the learned A.P.P. for the State in virtual Court proceeding.

The petitioner seeks bail in connection with Roshanganj P.S.Case No.147 of 2020 registered for the offence under Sections 414/34 of the Indian Penal Code, Section 25 (1-B)(a)26,35 of the Arms Act.

The prosecution case, in short, is that the police reached the abandoned house where from 40-40 Kg Mahua flower in a Jute Bag and four arms of 3 country made pistol and one country made rifle was recovered with a motorcycle.

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 nothing has been recovered from the possession of the petitioner or the house from the petitioner is living. He further submits that it appears from the FIR that 40-40 Kg of Mahua Flower recovered but it appears from the seizure list it does not find any recovery of Mahua Flower, it creates doubt over the entire prosecution. He further submits that the recovery has been made from the house which is abandoned, old and having no door and the petitioner is in custody since 22.06.2021.

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

Considering the aforesaid facts and period of custody, 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 A.C.J.M., Sherghati, Gaya in connection with Roshanganj P.S. Case No.147 of 2020 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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