

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.55447 of 2021

Arising Out of PS. Case No.-109 Year-2021 Thana- DHANAHA District- West Champaran

1. Satish Kumar Yadav, S/O Rambhajan Yadav, R/O Village- Harsevakpur Number-2 Tola Dahala, P.S.- Gulhariya, District- Gorakhpur (U.P)
2. Md. Rizwan, S/O Md. Mohauddin @ Mahiuddin, R/O Laxmipur Tola Karbala, P.S.- Kubersthan, District- Kushinagar (U.P).
3. Md. Asif, S/O Md. Mobin, R/O Kuchiya Mathiya, P.S.- Pateharawa, District- Kushinagar (U.P).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Subhash Kumar Jha, Advocate
For the Opposite Party/s : Mr. Anand Kumar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 04-04-2022 Learned counsel for the petitioners is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

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

The petitioners seek regular bail, who are in custody in connection with Dhanaha P.S. Case No. 109 of 2021 for the offences punishable under Section 414 of the Indian Penal Code and Sections 25(1-b)a/26/35 of the Arms Act.



The prosecution case is that the police on a secret information apprehended all the three petitioners, who disclosed their name as Satish Kumar Yadav, Md. Rizwan and Md. Asif. On search, one country made pistol with one empty magazine as well as mobile and motorcycle were recovered from Md. Rizwan. From the possession of Satish Kumar Yadav one country made pistol and one cartridge was recovered and from the possession of Md. Asif one live cartridge was recovered.

It is submitted on behalf of the petitioners that the petitioners are the residents of Uttar Pradesh and they came there to attend the marriage ceremony. It is further submitted that though the recovery was taken place in a densely populated area, but surprisingly no local/independent witness has come forward to support the prosecution case. It is next submitted that the petitioners are in judicial custody since 06.07.2021. Learned counsel for the petitioners fairly submitted that petitioner no.2 (Md. Rizwan) has earlier been made accused in four other cases, which have been mentioned in para. 3 of the petition all related to animal cruelty. So far as petitioner nos. 1 and 3 are concerned they have got clean antecedent.

On the other hand, learned APP for the State has



submitted that recovery of arms and ammunition have been made from the conscious possession of these petitioners and as such vehemently opposes the prayer for bail.

Having considered the submissions of the parties and taking into consideration the materials available on record and the fact that the petitioners are the residents of Uttar Pradesh and at the time of seizure no independent witness has come forward to support the prosecution as well as the fact that the petitioners are in custody since 06.07.2021, let the petitioners, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) each with two sureties of the like amount each to the satisfaction of Judicial Magistrate-I, Bagaha, West Champaran, in connection with Dhanaha P.S. Case No. 109 of 2021 subject to the condition that one the bailors will be the local and close relatives of the petitioners with further conditions which are as follows:-

(i) The petitioners will cooperate in conclusion of the trial. (ii) They will remain present on each and every date of trial till disposal of the case. (iii) They will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial. (iv) In the event of default of two consecutive



dates without any cogent reason, their bail bonds will liable to
be cancelled.

(Harish Kumar, J)

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