

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56065 of 2021

Arising Out of PS. Case No.-112 Year-2021 Thana- PIRO District- Bhojpur

SANJAY YADAV Son of - Jag Mohan Yadav Resident of Village - Inarpatpur,
P.S. - Piro (Hasan Bazar), District - Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prabhat Kumar Singh,Adv

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 27-01-2022 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.

Supplementary affidavit has been filed on behalf of the petitioner.

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 Piro (Hasan Bazar) P.S.Case No.112 of 2021 registered for the offence under Sections 25(1-b)a,26 and 35 of the Arms Act.

The prosecution case, in short, is that on 27.03.2021 at about 11.15 A.M. the informant received information wanted accused of Piro P.S.Case No.204 of 2020 live in his newly house and for verification and necessary action at about 1.10 P.M.



reached near the house of petitioner Sanjay Yadav and informant saw a person started to flee away and with the help of force arrested the petitioner and in presence of constable Sanjay Kumar and Laxman Kumar searched the person of petitioner and recovered one loaded country made pistol from the waist of petitioner with one live cartridge and on non-satisfactory reply about the recovered pistol and cartridge than prepared seizure list and supplied the copy of the petitioner and on the basis of these facts the present case is registered.

Learned counsel appearing for the petitioner submits that the petitioner has falsely been implicated in the present case. He further submits that nothing has been recovered from the possession of the petitioner rather the police has planted the same and shows recovery of one country made pistol and one live cartridge from possession of the petitioner. He further submits that out of 15 cases, the petitioner has acquitted in seven cases and some of the cases, police has also filed final form in favour of the petitioner and the petitioner is in custody since 28.03.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries 15 more cases 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 Chief Judicial Magistrate, Bhojpur at Ara in connection with Piro (Hasan Bazar) P.S.Case No.112 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)

Nitesh/-

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