

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67398 of 2021**

Arising Out of PS. Case No.-48 Year-2021 Thana- KINJAR District- Jehanabad

Shambhu Yadav @ Chhotu Son of Mahendra Yadav @ Balkeshwar Yadav @
Balkeshwar Singh Resident of Village - Dhanaw, P.S.- Jamhor, Distt.-
Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Santosh Chandra Bhaskar, Advocate.

For the Opposite Party/s : Mr. Satyendra Narayan Singh, APP.

**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER**

3 28-07-2022 Learned counsel for the petitioner is permitted to
remove defect(s), as pointed out by the office, if any, within a
period of four weeks from today.

Heard Mr. Santosh Chandra Bhaskar, learned counsel
for the petitioner as well as learned Additional Public Prosecutor
for the State.

The application for grant of bail to the petitioner,
above named, who has been made accused and put behind the
bar in connection with Kinjar P. S. Case No. 48 of 2021
registered for the offences punishable under Section 25 (1-AA),
26 and 35 of the Arms Act.

As per the prosecution case, it is alleged that the
Police officials along with STF in course of vehicle checking



intercepted a Belono car in which five persons were sitting. On search being made from the possession of this petitioner two live cartridges and one mobile phone were recovered. It is further alleged that a carbine from the dicky was also recovered.

Learned counsel appearing on behalf of the petitioner submitted that in fact, no recovery has been made from the person or possession of this petitioner rather the recovery has been made from the possession of other co-accused persons, only because he was sitting in the said vehicle recovery has been shown to be made from his possession. It is further submitted that because of his past criminal antecedent his name has been implicated in the present case, though the investigation of the crime is already completed and now the charge has already been framed and the petitioner gives his undertaking that he will fully cooperate in the trial. It is lastly submitted that the petitioner is in custody since 29.06.2021.

On the other hand, learned APP for the State opposes the bail application and submits that the petitioner has been found involved in five other similar kind of cases.

Having considered the submissions made on behalf of the parties and taking into account the fact that the alleged recovery of carbine has been made from the dickey of the said



vehicle wherein five persons were sitting and moreover, the vehicle does not belong to the petitioner and this petitioner is in custody since 29.06.2021 and now the charge has already been framed, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate- III, Arwal in connection with Kinjar P. S. Case No. 48 of 2021 (B.P. No. 682 of 2021), subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.
- (iii) He 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, his bail bonds will liable to be cancelled.
- (v) 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 cancelling 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.

(Harish Kumar, J)

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