

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64684 of 2021

Arising Out of PS. Case No.-970 Year-2020 Thana- KHAGARIA District- Khagaria

Sipahi Yadav S/o Late Pitamber Yadav, R/o village- Mathar Jangali Mandal
Tolla, P.S.- Mufassil (Khagaria), District- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

7 01-12-2022 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Khagaria (Muffasil) P.S. Case No. 970 of 2020, lodged under
Sections 25(1-AA)B/26(i) of Arms Act.

As per prosecution case, the recovery of 3 pistols and
other articles with the help of which the arms used to be
manufactured have been made from the house of the petitioner.

Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence. He also
submits that petitioner has not been apprehended from the place
of occurrence which has been transpired from the content of the

F.I.R. itself. Learned counsel also submits that petitioner is in custody since 29.01.2021 having one criminal antecedent of similar nature in which he is on bail. He also submits that charge-sheet has already been filed in the present case and evidence of prosecution witnesses are going on.

Learned counsel for the State opposes the prayer for bail and submits that antecedent of the petitioner is not clean.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Khagaria in connection with Khagaria (Muffasil) P.S. Case No. 970 of 2020, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed. In case of non-appearance for two consecutive dates without sufficient cause, his bail shall be cancelled.

B. One of the bailors shall be close relative who shall file an affidavit before the court about his relationship with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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