

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64869 of 2021

Arising Out of PS. Case No.-65 Year-2021 Thana- GOGRI District- Khagaria

Jawahar Yadav, Son of Late Suresh Yadav, Resident of Village- Shishawa,
P.S.- Gogri, District- Khagaria.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bishweshwar Ram, Advocate
For the Opposite Party/s : Mr.Kanhaiya Kishore, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 05-08-2022 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Gogari P.S. Case No. 65 of 2021, registered for the alleged offences under Sections 25 (1-b)a, 26 (ii), 27, 35 of the Indian Penal Code and Section 37 (c) of the Bihar Prohibition and Excise Act.

As per the prosecution case, the petitioner was apprehended after chase by the local people, and from his possession, a loaded country made pistol and a live cartridge were recovered and the petitioner was found in inebriated



condition.

The learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner was neither arrested by the police nor anything incriminating was recovered from his possession. There is land dispute between the petitioner and the witnesses of seizure list for which two cases, Gogri P.S. Case No. 413 of 2020 and Gogri P.S. Case No. 371 of 2022 have been lodged by the witnesses of the seizure list against the petitioner. The co-accused Lalatu Yadav has been granted bail by a Coordinate Bench of this Court in Cr. Misc. No. 53310 of 2021. The charge sheet has been submitted in this case and the petitioner is in custody since 10.03.2021.

Learned APP opposes the prayer for bail submitting that a country made pistol and a live cartridge were recovered from this petitioner and the petitioner is a habitual offender.

Having regard to the submissions made hereinabove and considering the submission of charge sheet and the period of custody of the petitioner, he is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-



Special Judge, Excise, Khagaria in connection with Gogri P.S.
Case No. 65 of 2021, subject to the conditions mentioned in
Section 437 (3) of the Code of Criminal Procedure and also the
following conditions :

- (i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.
- (ii) One of the bailors will be Sanjan Yadav, cousin brother of the petitioner, who has sworn the affidavit in this case.
- (iii) The petitioner will remain present on each and every date fixed by the court below.
- (iv) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

V.K.Pandey/-

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(Arun Kumar Jha, J)

