

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67743 of 2021

Arising Out of PS. Case No.-158 Year-2021 Thana- JANDAHA District- Vaishali

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Sandeep Yadav @ Shukha @ Sandeep Kumar, Son of Birbal Roy, Resident of
Village - Arniya, P.S.- Jandaha, District - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Surya Narayan Roy, Advocate

For the Opposite Party/s : Md. Fahimuddin, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 20-09-2022 Heard learned counsel for the petitioner and learned
APP for the State.

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 Jandaha P.S. Case No. 158 of 2021 registered for the alleged offences under Sections 399 and 402 of the Indian Penal Code and Sections 25(1-B)A, 26 and 35 of the Arms Act.

As per prosecution case, police received secret information about assembly of some miscreants with firearms in order to commit some big crime. Police reached the spot and found 5-6 persons assembled there, out of which, two were apprehended and remaining miscreants fled away from the spot.



Petitioner is one of the apprehended persons and from his possession, a loaded country made pistol with two live cartridges was recovered apart from one mobile phone. Similar recovery was also made from the co-accused Laltun Yadav along with a banded iron fighter.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Nothing incriminating has been recovered from his conscious possession. Petitioner has got criminal antecedents, one case is pending against him but he has been granted anticipatory bail. Co-accused Laltun Yadav has been granted bail by a Co-ordinate Bench of this Court vide order dated 10.02.2022 passed in Cr. Misc. No. 66667 of 2021. Other similarly placed co-accused persons have been granted bail by different Co-ordinate Benches of this Court vide order dated 10.05.2022 passed in Cr. Misc. No. 6324 of 2022 and order dated 17.05.2022 passed in Cr. Misc. No. 7024 of 2022. Petitioner is in custody since 28.07.2021 and charge-sheet has been submitted in this case.

Learned APP opposes the prayer for bail submitting that recovery of loaded firearms have been made from this petitioner.

Having regard to the facts and circumstances and



submissions made on behalf of the parties and considering the period of custody of the petitioner along with submission of charge-sheet, the petitioner above named 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 Sub-Divisional Judicial Magistrate, Jandaha, Vaishali (Hajipur), in connection with Jandaha P.S. Case No. 158 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 a close relative of the petitioner.
- (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.

(Arun Kumar Jha, J)

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