

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.59662 of 2022**

Arising Out of PS. Case No.-2 Year-2018 Thana- BHADHWAR District- Gaya

Bhagwat Yadav @ Tara Yada @ Sanjay Yadav S/O Vigan Yadav Resident of
village- Ghanghari, P.S- Jori, District- Chatra (Jharkhand).

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. S. Jamil Akhtar, Advocate

For the Opposite Party/s : Mr. Dashrath Mehta, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 23-12-2022 Heard learned counsel for the petitioner and Mr.
Dashrath Mehta, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Bhadwar P.S. Case No. 02 of 2018 dated 04.02.2018 registered for the offences punishable under Section 212 of the Indian Penal Code, 25(1-B)A, 26, 35 of the Arms Act and 17 C.L.A. Act. He is in custody since 05.07.2022. The petitioner has got two criminal antecedents.

Learned counsel for the petitioner submits that as per the prosecution story, on 03.02.2018 the S.H.O. of Bhadwar Police Station got an information that firearm has been concealed in the house of one Ramraj Ravidas of village Bagbandha. When the house of said Ramraj Ravidas was raided, one S.L.R. Rifle loaded with 20 cartridges was recovered with some naxal purcha.

Learned counsel for the petitioner submits that the



petitioner is innocent and has falsely been implicated in this case. It is submitted that the petitioner has two criminal antecedent and he is in custody in connection with this case since 05.07.2022.

Learned counsel submits that the FIR is of the year 2018 and the petitioner is not named in the FIR. He has been implicated in this case on mere confessional statement of one co-accused. It is submitted that the petitioner has been made accused in this case only on the allegation that he was among the 20 persons who had come to the house of co-accused Ramraj Ravidas and except that there is no material.

Mr. Dashratha Mehta, learned APP for the State is present and has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein it is submitted that the FIR in the present case is that of the month of February 2018, the petitioner is not named in the FIR and he has been implicated in this case alleging that he was among the twenty persons who had come to the house of co-accused Ramraj Ravidas and had asked him to conceal the rifle loaded with cartridges in the house of co-accused Ramraj Ravidas, there being no other material save and except the mere allegation, the petitioner has remained in custody in connection with this case since 05.07.2022 and investigation against him is complete, there



being no submission on behalf of the State that at this stage, his release is likely to result in tampering with the evidence or interfering with the course of trial or that his presence cannot be secured in course of trial, this Court directs that the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of Sri Anup Rawat, learned Judicial Magistrate, 1st Class, Sherghati, Gaya in connection with Bhadwar P.S. Case No. 02 of 2018, subject to the condition as laid down under Section 437 (3) Cr.P.C.

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 steps 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.

(Rajeev Ranjan Prasad, J)

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