

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.59305 of 2022**

Arising Out of PS. Case No.-221 Year-2022 Thana- BARHARA District- Bhojpur

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1. TEJ PRATAP YADAV Son of Jagdish Yadav Resident of village - Babhangawan, Police Station - Barhara (Krishnagarh O.P.), District - Bhojpur.
 2. Dhanjee Yadav Son of Jagdish Yadav Resident of village - Babhangawan, Police Station - Barhara (Krishnagarh O.P.), District - Bhojpur.
- Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Anil Kumar Singh, Advocate

For the Opposite Party/s : Mr.Md. Shakir Ahmad, APP

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

2 23-12-2022 Learned counsel for the petitioners undertakes to remove the SR defects by 16th January, 2023.

At the outset, learned counsel for the petitioner prays to allow a correction in the prayer portion as regards the description of the Court. It is submitted that the word ‘Additional’ has wrongly been typed. It should be read as only ‘Chief Judicial Magistrate’. He is permitted to make correction.

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

Petitioners, in the present case, are seeking regular bail in connection with Barhara (Krishnagarh) P.S. Case No. 221 of 2022 registered for the offences punishable under Section 25(1-b)a, 26 and 35 of the Arms Act. They are in custody since



20.03.2022.

It is submitted that petitioner no. 1 is accused in five cases and petitioner no. 2 is accused in four cases. It is submitted that save and except in Barahara (Krishnagarh) P.S. Case No. 220/2022, petitioner no. 1 is on bail in all other cases.

As per the prosecution story, the informant has alleged that he along with other police personnel had gone for investigation in Barhara (Krishnagarh) P.S. Case No. 220/2022, he searched the house of the accused persons and found one loaded country made pistol from the waist of Tej Pratap Yadav and one loaded country made pistol from the waist of Dhanji Yadav.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case. On search one loaded country made pistol has been recovered from the possession of the petitioners.

Learned A.P.P. for the State 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 as per allegation one alleged country made pistol was recovered from the possession of these two petitioners and in connection with this case the petitioners have remained in custody 20.03.2022, investigation against them is complete, there is no submission on behalf of the State that their release is likely to



result in tampering with the evidence or interfering with the course of trial, and there being no submission on behalf of the State that their presence cannot be secured in course of trial, this court directs release of the petitioners above named on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhojpur at Ara in connection with Barhara (Krishnagarh) P.S. Case No. 221 of 2022, 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 petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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.

Certified copy of this order shall be made available only after removal of the defects.

(Rajeev Ranjan Prasad, J)

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