

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20729 of 2023

Arising Out of PS. Case No.-316 Year-2022 Thana- SAHEBPUR KAMAL District-
Begusarai

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1. BASHISTH YADAV Son of Shigashwar Prasad Yadav Resident of Village - Baburahi, Police Station - S. Kamal, District - Begusarai.
 2. Haris Chandra Yadav @ Gheena Yadav Son of Late Devan Yadav Resident of Village - Baburahi, Police Station - S. Kamal, District - Begusarai.
 3. Parmanand Yadav @ Paro Yadav Son of Late Devan Yadav Resident of Village - Baburahi, Police Station - S. Kamal, District - Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Kumar Sinha, Advocate
For the Opposite Party/s : Mr. Rajiv Nayan, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 06-07-2023 Heard learned counsel for the petitioners and learned
APP for the State.

Petitioners seek bail, who are in custody since 19.11.2022, in connection with S. Kamal P.S. Case No. 316 of 2022, F.I.R. dated 19.11.2022 registered for the offences punishable under Sections 25(1-b)a/26/35 of the Arms Act.

The case relates to recovery of one country made pistol and four live cartridges from the possession of Bashisth Yadav, one country made pistol and three live cartridges from the possession of Harischandra Yadav @ Gheena Yadav and one country made musket and six live cartridges from the possession of Parmanand Yadav.



Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in the present case. He further submits that from bare perusal of the F.I.R. it appears that the date of occurrence is 17.11.2022 but the present F.I.R. was instituted on 19.11.2022 after delay of two days without giving explanation of delay. He further submits that it appears from the seizure list that one country made pistol and four live cartridges from the possession of petitioner namely Bashisth Yadav, one country made pistol and three live cartridges from the possession of petitioner namely Harischandra Yadav @ Gheena Yadav and one country made musket and six live cartridges from the possession of Parmanand Yadav @ Paro Yadav. He further submits that the police after investigation submitted chargesheet against the petitioners and the petitioners are in custody since 19.11.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioners on the ground that the petitioners carry two more cases other than the present one in which all of them are on bail.

Considering the facts and circumstances of the case, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Begusarai in connection with



S. Kamal P.S. Case No. 316 of 2022, subject to the following conditions :-

(1) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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 antecedents, 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.

(Rajesh Kumar Verma, J)

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