

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22015 of 2023

Arising Out of PS. Case No.-1168 Year-2022 Thana- KHAGARIA District- Khagaria

Ram Vilash Yadav @ Vilash Yadav @ Rambilash Yadav S/O Late Tilo Yadav
R/O Village- Mahuwa, Tola- Laxmipur, P.S- Khagaria (Gagaur), Distt.-
Khagaria.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Lakshmindra Kumar Yadav, Advocate
For the Opposite Party/s : Mr. Tapeswar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 19-05-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
Khagaria (Gangaur) P.S. Case No. 1168 of 2022 dated
06.11.2022, instituted for the offence punishable under Sections
25(1-b)a, 26 of the Arms Act.

3. The prosecution story, in short is that on 06.11.2022
at about 12.30 pm, the informant based on a secret information,
reached Bhima Moin and apprehended the petitioner, and
recovered one country made pistol with one cartridge in his
conscious possession without requisite documents.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and he is falsely implicated in this case. It



is further submitted that nothing has been recovered from the possession of the petitioner. He further submitted that there is no any independent witness of seizure list and seizure list witnesses are only police personnel. Lastly, it has been submitted that the petitioner is in custody since 07.11.2022, and has five criminal cases and charge-sheet has been submitted in the case.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Khagaria in Khagaria P.S. Case No. 1168 of 2022, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

3. The bailor shall also state on affidavit that he will



inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

4. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Khatim Reza, J)

Sankalp/-

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