

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.28814 of 2023**

Arising Out of PS. Case No.-677 Year-2022 Thana- BARH District- Patna

DIWAKAR YADAV Son of Sri Basudeo Yadav R/V- Gosaigaon, PS-  
Ghoswari, Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                           |   |                                                                                      |
|---------------------------|---|--------------------------------------------------------------------------------------|
| For the Petitioner/s      | : | Mr. Ajay Kumar Thakur, Adv.<br>Mr. Ritwik Thakur, Adv.<br>Mrs. Vaishnavi Singh, Adv. |
| For the Opposite Party/s: |   | Mr. Raj Kishor Singh, APP                                                            |

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

2      24-05-2023                      Heard learned counsel for the petitioner and the  
learned A.P.P. for the State.

The petitioner seeks bail in connection with Barh  
P.S. Case No. 677 of 2022 dated 17.10.2022 registered for the  
offence under Sections 25(1-b)a, 26 and 35 of the Arms Act.

The petitioner is alleged to have apprehended by  
the police having unlawful possession of one country made  
loaded pistol along three other cartridges.

Learned counsel appearing for the petitioner  
submits that the petitioner is innocent and has falsely been  
implicated in this case. She further submits that it appears  
from the F.I.R. and the seizure list that one country made  
loaded pistol along three other cartridges have been said to



be recovered from the possession of the petitioner. She further submits that there is non-compliance of Section 100 of the Cr.P.C. She further contends that the police after investigation has submitted charge-sheet in this case against the petitioner. He further submits that the co-accused, namely, Amirak Yadav @ Maniyar Yadav and Krit Yadav have also been granted bail by a co-ordinate Bench of this Court vide order dated 17.04.2023 passed in Cr. Misc. No. 20822 of 2023. The petitioner is rotting in judicial custody since 18.10.2022.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries fourty two more cases other than the present one.

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-1st Barh, Patna in connection with Barh P.S. Case No. 677 of 2022 with 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 shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) 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.

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 step 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.

**(Rajesh Kumar Verma, J)**

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