

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33632 of 2023**

Arising Out of PS. Case No.-392 Year-2022 Thana- GOPALPUR District- Bhagalpur

MD. JIBRO @ MD. JIBRA SON OF MD. SAMSUDDIN @ MD. SUDDI
R/O VILLAGE- PACHGACHIA, P.S.- GOPALPUR, DISTRICT-
BHAGALPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kamlesh Kumar Pathak, Advocate
For the Opposite Party/s : None.

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER**

2 24-06-2023 Heard learned counsel for the petitioner, there is no representation on behalf of the State.

The petitioner is in custody in connection with Gopalpur P.S. Case No. 392 of 2022 for the offence under Sections 25 (1-B)a, 26, 35 of the Arms Act R/W Sections 3, 4 and 5 of the Explosive Act lodged on 07.08.2022 by the informant, Yogesh Kumar.

The prosecution case, in brief, is that on 06-08-2022, in the morning while the informant along with other police persons were on night patrolling, they received an information that Pawan Yadav, Ranjan Yadav and Vikash Yadav along with other persons who are having deadly weapon and Bomb are coming at Gopal Dhaba on NH.31. Informant forwarded the



said information to his superiors and proceeded at the aforesaid place and reached at Kabutra Sthan at village Dharhar on NH 31.

At about 05.15 A.M. police team tried to intercept the motorcycles on which three persons were going towards Dharhara on a Pulsar Motor Cycle, two persons were going on Super Splendor and three persons were going on Blue Apache bike but all of them succeeded in fleeing away. Three persons who were travelling on Pulsar motorcycle fled throwing a plastic bag. The Chokidar and people of locality identified them as Pawan Yadav, Vikash Yadav and Ranjan Yadav while other persons who were travelling on Splendor Motor Cycle and Apache Motor Cycle could not be identified. On search of Plastic bag thrown by the miscreants, one loaded country made pistol, one pipe bomb and one bomb in cube shape were recovered. The Pulsar motorcycle was without registration number. Accordingly all the recovered articles including motorcycle and mobile phone was seized. Accordingly, the F.I.R.

Learned counsel for the petitioner submits that merely on the basis of the statement of '*chaukidar*', the name of Pawan Yadav, Vikash Yadav and Ranjan Yadav was alleged in the F.I.R.



and on the confession of the other accused persons, the name of the petitioner cropped up who was subsequently remanded in the present case vide Chousa P.S. Case No. 183 of 2022 in which he was arrested again with the fire arms.

Considering the kind of allegation that has come against the petitioner as also that there was no recovery from his possession, is in custody since 24.09.2022 (as stated in paragraph-1 of the petition), this Court is inclined to extend him the privilege of bail with strict conditions.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, 1st, Naugachia, in connection with Gopalpur P.S. Case No. 392 of 2022 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;



(iii) the petitioner shall appear before the concerned police station every month for one year to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the application is allowed.

(Rajiv Roy, J)

Jagdish/kiran/-

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