

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32091 of 2022

Arising Out of PS. Case No.-19 Year-2022 Thana- PAUTHU District- Aurangabad

Ajay Yadav Son of - late Suresh Singh @ Suresh Yadav Resident of - Siwan,
P.S. Pauthu, District - Auranagabad,Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Advocate Mr. Kumar Rajdeep, Advocate Mr. Arvind Kumar, Advocate
For the Opposite Party/s :		Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 27-03-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 25(1-b)a and 26 of the Arms
Act.

According to prosecution case, during search, one
country made 3-natt pistol, one motorcycle and one white color
samsung mobile and Rs. 4,590 cash has been recovered from the
possession of the petitioner.

Learned counsel for the petitioner submits that



petitioner has falsely been implicated in the present case. He further submits that it appears from the F.I.R. as well as seizure list that one country made 3-natt pistol, one motorcycle and one white color samsung mobile and Rs. 4,590 cash have been recovered from the possession of the petitioner. He further submits that in fact, nothing has been recovered from the conscious possession of the petitioner rather the police have planted the same and shown that the said recovery has been made from the possession of the petitioner.

Vide order dated 13.02.2023 a report was called with regard to the present stage of trial. Report dated 27.02.2023 reveals that the charge has been framed against the petitioner on 30.09.2022 and the case is pending for the prosecution evidence stage and till date prosecution has not produce any evidence.

Learned counsel for the petitioner submits that in view of the report it appears that there is no chance of early conclusion of the trial in near future. The petitioner is in custody since 29.03.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries two criminal antecedents other than the present one.



Considering the aforesaid facts and circumstances the charge has been framed against the petitioner and the petitioner is in custody since 29.03.2022, let the petitioner, above named, 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 the learned Court below where the case is pending in connection with Pauthu P.S. Case No. 19 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 shall remain physically present as directed 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. 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.

3. 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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