

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46926 of 2023

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

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Pawan Yadav S/O Bharri Yadav @ Mahesh Yadav R/O Village- Latra, Ps.
Gopalpur, Dist. Bhagalpur Petitioner/s

Versus

The State Of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amrendra Kumar, Advocate

For the Opposite Party/s : Mr. Tarun Prasad Mandal, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 19-09-2023 Heard learned counsel for the petitioner and

learned Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since 24.09.2022 in connection with Gopalpur P.S. Case No. 392 of 2022, F.I.R. dated 07.08.2022 for the offences punishable under Sections 25(1-b)a, 26 and 35 of the Arms Act and Sections 3, 4 and 5 of the Explosive Act.

3. Allegation against the petitioner is to having in possession of firearms and explosive substances along with other accused persons.

4. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that from perusal of the F.I.R it appears that the petitioner was not arrested at the place of occurrence and no incriminating article has been recovered from the possession of the petitioner rather the recovery has been made from the roadside. He further submits that the petitioner



has no concern at all with the alleged recovery and due to previous criminal antecedents of the petitioner, he has been implicated in the present case. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused, namely, Ranjan Yadav against whom there is similar allegation having has 7 criminal antecedents has been granted bail by this Court vide order dated 20.07.2023 passed in Cr. Misc. No. 26382 of 2023 and another co-accused, namely, Vikash Yadav has been granted bail by a Co-ordinate Bench of this Court vide order dated 04.07.2023 passed in Cr. Misc. No. 29884 of 2023. The petitioner is in custody since 24.09.2022.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries 13 criminal antecedents other than the present one but fairly submits that nothing has been recovered from the possession of the petitioner and other accused persons have been granted bail.

6. Considering the aforesaid facts and circumstances and the period of custody, 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 Additional Chief Judicial Magistrate
1st, Naugachia, Bhagalpur in connection with Gopalpur P.S.
Case No. 392 of 2022, subject to the following conditions:-

i. 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.

ii. 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.

iii. 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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