

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52970 of 2023

Arising Out of PS. Case No.-74 Year-2023 Thana- BIRAUL District- Darbhanga

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SANNI YADAV @ SANNI KUMAR S/O ARJUN YADAV R/O Village-
Naya Tola, Jurabganj, P.S- Kodha, Distt.- Katihar, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mrs. Diksha Kumari, Adv. Mr. Kumar Rajdeep Mr. Arvind Kumar, Adv.
For the Opposite Party/s :		Mr. Rita Verma, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 05-09-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Biraul P.S.
Case No. 74 of 2023 registered for the offence under Sections 414
of the Indian Penal Code and Section 25(1-b)a, 26 and 35 of the
Arms Act.

The petitioner is apprehended having unlawful
possession of one country made pistol along with one live
cartridge from the possession of the petitioner.

Learned counsel appearing for the petitioner submits
that the petitioner is innocent and has falsely been implicated in
this case. He further submits that it appears from the F.I.R. and
the seizure list that one country made pistol along with one live
cartridge have been recovered from the conscious possession of



the petitioner. He further contends that, in fact, nothing incriminating has been recovered from the conscious possession of the petitioner rather the recovery has been planted with ulterior motive. He further submits that Section 100 of the Cr.P.C. has not been compiled by the prosecution while preparing the seizure list. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. Moreover, similarly situated co-accused, namely, Ankit Kumar @ Ankit Yadav has already been granted bail by a co-ordinate Bench of this Court vide order dated 03.08.2023 passed in Cr. Misc. No. 48433 of 2023 and the case of the petitioner stands on similar footing. The petitioner is rotting in judicial custody since 02.03.2023.

Learned A.P.P. for the State on the basis of material available on record and the case diary vehemently opposed the prayer for bail of the petitioner and submits that the petitioner carries five 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 A.C.J.M., Biraul in connection with Biraul P.S. Case No. 74 of 2023 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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