

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49927 of 2023

Arising Out of PS. Case No.-316 Year-2022 Thana- SAHEBPUR KAMAL District-
Begusarai

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BHOLA YADAV @ BHAGIRATH YADAV Son of Haris Chandra Yadav
Resident of Village-Baburahi, Police Station-S. Kamal, District-Begusarai

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raj Kumar Sinha, Advocate
For the Opposite Party/s : Ms. Rita Verma, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 18-08-2023 Heard the parties.

The petitioner is in custody in connection with S.
Kamal P.S. Case No. 316 of 2022 for the offence under sections
25(1-b)a/26/35 of the Arms Act lodged on 19.11.2022 by the
informant, Rakesh Kumar.

As per the prosecution story, the Police on suspicion,
apprehended three persons from whom one country made pistol
and four live cartridges were recovered. So far as this petitioner
is concerned, allegation is that one Double Deluxe gun, 8
cartridges and two mobile phones were recovered under the bed.
Accordingly, the F.I.R.

Learned counsel for the petitioner submits that
admittedly, the date of occurrence is 17.11.2022, F.I.R. was



lodged two days later on 19.11.2022, the same is planted inasmuch as there is no recovery from his bed and has remained in custody since 29.04.2023 (as stated in paragraph 13 of the petition).

Learned APP opposes the prayer for bail stating that there is recovery of gun as also cartridges.

Considering the aforesaid submissions put forward by the learned counsel for the petitioner as also the delay in lodging the F.I.R., has remained in custody since 29.04.2023, this Court is inclined to extend him the privilege of bail with conditions.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Begusarai, in connection with S. Kamal P.S. Case No. 316 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 bail application is allowed.

(Rajiv Roy, J)

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