

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49001 of 2022

Arising Out of PS. Case No.-46 Year-2022 Thana- KUCHAIKOTE District- Gopalganj

Akshay Yadav Son of Binod Yadav Resident of Village- Ujra Narayan Pur,
P.S.- Uchkaganw, District - Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Ram Anurag Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

6 07-04-2023 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 who is in custody since
04.02.2022 in connection with Kuchaikot P.S. Case No. 46 of
2022, F.I.R. dated 03.02.2022 for the offences punishable under
Sections 25(1-b)a/26 of the Arms Act.

According to prosecution case, one country made
pistol with one magazine, 4 live cartridges, one android phone
and one motorcycle have 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 pistol with one magazine, 4 live cartridges, one android phone and one motorcycle have been recovered from the possession of the petitioner. He further submits that in fact, nothing has been recovered from the possession of the petitioner rather police have planted the same and shown that the recovery have been made from the possession of the petitioner and the petitioner is in custody since 04.02.2022.

Vide order dated 23.02.2023 a report was called with regard to the present stage of trial. Report of the learned Trial Court dated 15.03.2023 reveals that the charge has been framed against the petitioner and till date the prosecution has not examined any witnesses.

Learned counsel for the petitioner submits that in view of the report of the learned Trial Court, the trial is not likely to be concluded in the near future. The petitioner is in custody since 04.02.2022 i.e. for more than one year.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner carries 5 cases other than the present



one but fairly submits on the basis of the statement in paragraph 3 of the bail petition that the petitioner is on bail in 3 cases out of 5.

Considering the aforesaid facts and circumstances and 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- VII, Gopalganj in connection with Kuchaikot P.S. Case No. 46 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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