

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51248 of 2023

Arising Out of PS. Case No.-8 Year-2023 Thana- TIKAPATTI District- Purnia

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DHEERAJ KUMAR YADAV S/O BHUDEO YADAV R/O VILLAGE-
SEEMAPUR, SIKKAT, P.S- BARARI (SAMPUR O.P.), DISTT.- KATI HAR.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bijendra Kumar Singh, Adv.

For the Opposite Party/s : Mr.Nawal Kishore Prasad, 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.

Learned counsel for the petitioner is permitted to
carry out necessary correction in paragraph Nos. 4 and 12 of the
petition during course of the day.

The petitioner seeks bail in connection with Tikapatti
P.S. Case No. 08 of 2023 registered for the offence under Sections
25(1-b)a, 26 and 35 of the Arms Act.

The petitioner is apprehended having unlawful
possession of one country made pistol loaded with 5 live
cartridges in magazine and 10 live cartridges according to the
F.I.R.

Learned counsel appearing for the petitioner submits
that the petitioner, who is of clean antecedent, 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 loaded with 5 live cartridges in magazine and 10 live cartridges 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. The petitioner is rotting in judicial custody since 21.01.2023.

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.

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 Judicial Magistrate-1st Class, Purnea in connection with Tikapatti P.S. Case No. 08 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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