

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55317 of 2022

Arising Out of PS. Case No.-221 Year-2022 Thana- KHAGARIA District- Khagaria

Lutan Yadav Son of Suba Lal Yadav Resident of Village- Bari Kothiya, P.S.-
Muffasil, District- Khagaria

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Adv.

For the Opposite Party/s : Mr. Dashrath Mehta, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 14-02-2023 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks' from today.

Heard Mr. Rajesh Kumar, learned counsel appearing on behalf of the petitioner and Mr. Dashrath Mehta, learned Additional Public Prosecutor for the State.

The petitioner seeks regular bail, who is in custody in connection with Khagaria Muffasil P.S. Case No. 221 of 2022 registered for the offences punishable under Sections 25(1-b)a, and 26(i) of the Arms Act.

It is alleged by the informant, who happens to be S.H.O. of Khagaria Muffasil P.S. that in course of raid in connection with Khagaria Muffasil P.S. Case No. 219 of 2022, a loaded country made pistol has been recovered from the house



of the petitioner. It has further been alleged that 22 live cartridges of .315 bore have also been recovered in course of search of the house of the petitioner.

Learned counsel appearing on behalf of the petitioner submits that allegedly the recovery has been made from the house of the petitioner, which is a joint family house and, in fact, the name of the petitioner has been implicated on account of the fact that he is named in four other criminal cases, as has been mentioned in para-3 of the bail application. He further submits that from the seizure list, it appears that there is no independent witness to the seizure and, furthermore, even the copy of the seizure list has not been served to the petitioner or his family member(s). He next submits that all the cases as has been mentioned in para-3 of the bail application is resulting into land dispute. He lastly submits that the petitioner is in custody for over a period of eleven months and, now the charge-sheet has been submitted.

On the other hand, learned counsel for the State opposes the bail application and submits that huge numbers of arms and ammunition were recovered from the house of the petitioner.

Regard being had to the submissions made on



behalf of the parties and considering the irregularities in preparation of the seizure list, apart from the fact that the petitioner is in custody for over a period of eleven months and so far the other cases are concerned, he is on bail in all the cases, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Khagaria in connection with Khagaria Muffasil P.S. Case No. 221 of 2022, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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