

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 56886 of 2023**

Arising Out of PS. Case No.-208 Year-2023 Thana- KAUWAKOL District- Nawada

1. RAVINDRA YADAV SON OF RAMASHISH YADAV RESIDENT OF VILLAGE - BENIPUR, P.S RUPAO, DISTRICT NAWADA
2. DHARMENDRA YADAV SON OF RAMASHISH YADAV RESIDENT OF VILLAGE- BENIPUR, P.S RUPAO, DISTRICT NAWADA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms Sugandha Prasad, Advocate

For the Opposite Party/s : Mr Anish Chandra, APP

CORAM: HONOURABLE MR JUSTICE RAJIV ROY

ORAL ORDER

2 30-08-2023 Heard Ms Sugandha Prasad, learned counsel for the petitioners and Mr Anish Chandra, learned APP.

2 The petitioners are in judicial custody in connection with Kawakol (Rupao) PS Case No 208 of 2023 for the offence punishable under Sections 25 (1-b) a, 26 of Arms Act.

3 As per the prosecution story, on secret information that the petitioners, who are the absconders, are staying in Benipur village, the police arrived there and they were apprehended and upon search, country made pistols and live cartridges were recovered from them. Accordingly, the FIR

4 Learned counsel for the petitioners has taken this Court to Annexure 2 to show that the petitioners are driver and



cleaner. On valid challan, they were moving from Gorakhpur to Jaiselmer where on G T Road near Bagodar Ghati (Jharkhand), the Bihar Police picked them up and created a story. They have already suffered custody since 10.04.2023, as stated in paragraph 13 of the petition.

5 Learned APP opposes the prayer for bail.

6 Considering the aforesaid submission put forward by the learned counsel for the respective parties, materials on record including Annexure 2 which shows that on the relevant date, there was challan for movement between Gorakhpur to Jaiselmer, petitioners are in custody since 10.04.2023, FIR lodged ultimately will be facing the trial, this Court is inclined to extend them the privilege of bail with conditions.

7 Let the petitioners above named be released on bail on each of them furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Judicial Magistrate, 01st Class, Nawada in Kawakol (Rupao) PS Case No 208 of 2023 subject to the following conditions:

(i) One of the bailors should be the family member of the petitioners who shall provide official document to show his bona fide;

(ii) The petitioners 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 their bail bonds by the trial Court itself;

(iii) The petitioner shall appear before the concerned police station every fortnight for next six months 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 their bail bonds;

(v) The petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

8 With the aforesaid observations, this application is
allowed.

(Rajiv Roy, J)

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