

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55315 of 2022

Arising Out of PS. Case No.-72 Year-2022 Thana- PANJWARA District- Banka

1. Rajesh Yadav, Son of Gujo Yadav @ Gajadhar Yadav, R/O Village- Ramkol, P.S.- Dhoraiya, Distt.- Banka
2. Subodh Yadav, Son of Rajesh Yadav, R/O Village- Ramkol, P.S.- Dhoraiya, Distt.- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee, Advocate

For the Opposite Party/s : Mr. Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 22-02-2023 Learned counsel for the petitioners is permitted to remove the defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard Mr. Ajay Mukherjee, learned counsel appearing on behalf of the petitioners and the learned APP for the State.

The petitioners seek regular bail, who are in custody in connection with Panjawara P.S. Case No. 72 of 2022 registered for the offence punishable under Sections 25(1-b) a / 26 of the Arms Act.

It is alleged that on a secret information, police raided the house of the petitioner and on search, one loaded country made rifle and one live cartridge along with one black colored



iron gun pipe were recovered.

Learned counsel appearing on behalf of the petitioners submits that the alleged house from where recovery is made is a joint family house where several persons reside, however, the petitioner being male member present at the time of raid, their names have been implicated in this case. Further, they are having fair antecedent and in custody since 02.07.2022. He next submits that from the seizure list, it appears that there is no independent witnesses and the witnesses are none else but the members of the raid party apart from other infirmities in the seizure.

On the other hand, learned APP for the State vehemently opposes the bail application and submits that two rifles have been recovered from the house of the petitioners.

Regard being had to the submissions made on behalf of the parties and considering the fact that the recovery has been made from the joint family house, coupled with the fair antecedent and the period of custody, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate – I / Successor Court, Banka in connection



with Panjawara P.S. Case No. 72 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 petitioners will cooperate in conclusion of the trial.

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

(iii) They 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, their bail bonds will liable to be cancelled.

(Harish Kumar, J)

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