

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 58470 of 2023

Arising Out of PS. Case No.-10 Year-2023 Thana- KHARIK District- Bhagalpur

VISHAL YADAV S/O DAYANAND YADAV R/O VILLAGE- NAYA TOLA
BHWANPURA, P.S- KHARIK, DISTT.- BHAGALPUR.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Ms. Sweta Barnwal, Advocate
		Mr. Ved Prakash Chandan, Advocate
For the Opposite Party/s	:	Mr. Pawan Kumar Chaurasia, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 04-09-2023 Heard the parties.

2. The petitioner is in custody in connection with Kharik P.S. Case No. 10 of 2023 for the offence under sections 25(1-B)(a) and 26 of the Arms Act lodged on 20.01.2023 by the informant, Subedar Paswan.

3. As per the prosecution story, the Police upon information that the petitioner was hiding in his sister's house, raided the place and arrested him. Upon his confession, the Police went to the village and recovered/seized a country made revolver and six live cartridges. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that the Police after arrest only to implicate him in the crime, have foisted this theory of recovery of country made revolver and six



live cartridges from his village for which he has suffered by being in custody since 21.01.2023 (as stated in paragraph 4 of the petition).

5. Learned APP opposes the prayer for bail stating that he has three criminal antecedents.

6. Taking into account the submissions put forward by the learned counsel for the petitioner as also that he is in custody since 21.01.2023 and will be facing the trial, this Court is inclined to extend him the privilege of bail with conditions.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned S.D.J.M, Naugachia, or the Court concerned where the case is presently pending, in connection with Kharik P.S. Case No. 10 of 2023 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner 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 his bail bond by the Trial Court itself;



(iii) the petitioner shall appear before the concerned police station every fortnight for 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 the bail bonds;

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

8. With the aforesaid observations, the bail application is allowed.

9. Before parting, this Court would like to put on record its word of appreciation for Ms. Sweta Barnwal, learned counsel for the petitioner for the proper assistance rendered in the matter.

(Rajiv Roy, J)

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