

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62363 of 2023

Arising Out of PS. Case No.-123 Year-2023 Thana- KATORIYA District- Banka

Basudeo Yadav @ Sitanshu Kumar Yadav, Son Of Late Thakur Yadav
Resident Of Village- Kuhka, P.S.- Katoria, Distt- Banka, Bihar

... .. Petitioner

Versus

The State of Bihar.

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Aditya Nath Pandey, Advocate
For the Opposite Party/s : Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 16-10-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner in the present case is seeking pre-arrest bail in connection with Katoria P.S. Case No. 123 of 2023 registered for the offences punishable under Sections 25(1-B)/25(1-AA), 25(1-A)/26(1) (2)/35 of the Arms Act. He has got no criminal antecedent.

3. As per the prosecution story, on secret information, the informant along with other police officials reached at the house of Prakash Yadav for inspection. On seeing the police party, some persons managed to flee away from the house of Prakash Yadav. On search of the basement of the house of Prakash Yadav, the police party recovered two katta of 0.315 bore and several parts of firearms as well as tools used to manufacture them.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the petitioner has no concern with the house in question from where illicit articles were said to have been recovered.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Having regard to the submission that this petitioner has no concern with the house from where the informant recovered two katta of 0.315 bore and several parts of the firearms and other tools, the rent agreement of the said house is between Prakash Yadav and one Ravi Kumar, this petitioner is said to be a student of Diploma in Pharmacy course and it is his submission that the petitioner has been falsely implicated in this case by police personnel on mere suspicion, the petitioner has otherwise no criminal antecedent, in these circumstances, this Court directs that in case of his arrest or surrender within a period of six weeks from today, the petitioner above named be released on bail in connection with Katoria P.S. Case No. 123 of 2023 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka, subject



to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. 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.

8. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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