

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62755 of 2022

Arising Out of PS. Case No.-393 Year-2022 Thana- FATEHPUR District- Gaya

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Sunil Kumar @ Sunil Yadav S/O Late Arvind Yadav @ Bhagwan Yadav
Resident of Village- Koreya, P.S.- Fatehpur, District- Gaya.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rahul Rathour, Adv.

For the Opposite Party/s : Mr. Rajendra Nath Jha, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 25-02-2023 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Fatehpur P.S. Case No. 393 Of 2022 lodged under Sections
25(1-b)a, 26 Arms Act.

As per the prosecution case, upon secret information
by the police that arms has been kept in the almirah of
petitioner's house, police reached there started searching the
almirah kept in the house of the petitioner and found one
country made pistol from the said almirah.

Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence. Counsel

submits that he has inimical relation with his neighbour against whom he has deposed a day before the occurrence of a case which is under Section 302 of the I.P.C. and on the very next day, the police reached and entered in the house. Counsel submits that the said recovery was made in gross violation of Section 100 of the Cr.P.C. He has categorically mentioned that the said alleged recovered pistol was implanted by his enemy and then, they called the police with a view to teach a lesson to the petitioner.

Counsel further submits that petitioner is in custody since 25.06.2022 having one criminal antecedent in which he is on bail. He also submits that as per the prosecution, the said recovery was made in the almirah kept in the house and not from the conscious possession of the petitioner.

Learned counsel for the State opposes the prayer for bail and submits that recovery has been made from the almirah kept in the house of the petitioner.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-Xth, Gaya in connection

with Fatehpur P.S. Case No. 393 Of 2022, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file affidavit before the court about his relationship with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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