

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72957 of 2023

Arising Out of PS. Case No.-216 Year-2023 Thana- SIMRI District- Buxar

OM PRAKASH YADAV Son of Awadhesh Yadav R/o vill - Barka, Rajpur,
P.S. - Simri, Distt.- Buxar

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Akhilesh Kumar Pandey, Advocate

For the Opposite Party/s : Mr.Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 22-11-2023 Heard the parties.

2. The petitioner is in judicial custody in connection with Simri P.S. Case No. 216 of 2023 for the offence punishable under Section 25(1-b)a, 26 of the Arms Act lodged on 25.6.2023 by the informant, Lalbabu Singh.

3. As per the prosecution story, the police upon information that accused persons are selling wine, raided the house, in course whereof, 6.480 liters of foreign liquor was recovered as also upon further search, single barrel gun was found kept under the cow dung cakes. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that two recoveries, two FIRs relating to recovery of wine/gun clearly show how the police has implicated him. Further, it is a joint house and the allegation cannot be attributed to him particularly



when the recovery is under the cow dung cakes.

5. Learned APP opposes the prayer stating that the recovery is from his house.

6. Taking into account the aforesaid fact as also that he is in custody since 25.6.2023 (para-9 of the petition) and so far as the criminal antecedent part is concerned, it arises of the same recovery/seizure, 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) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Buxar, in connection with Simri P.S. Case No. 216 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 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 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 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.

(Rajiv Roy, J)

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