

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66692 of 2022

Arising Out of PS. Case No.-326 Year-2022 Thana- GAURICHAK District- Patna

Akash Kumar Son Of Chetnarayan Prasad Yadav R/O Village- Chakrahima,
P.S.- Gaurichak, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rakesh Bihari Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 25-02-2023 Learned counsel for the petitioner is permitted to remove the defect(s), if any, as pointed out by the office, within a period of four weeks from today.

Heard learned counsel for the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Gaurichak P.S. Case No. 326 of 2022, registered for the offences punishable under Sections 25(1-B) (a)/26/35 of the Arms Act.

The police on a secret information that the petitioner and others are involved in preparing illegal wine conducted raid and a rifle was recovered from the roof of the house of the petitioner.

Learned counsel appearing on behalf of the petitioner



submits that from the FIR it would be evident that the police raided the house of the petitioner on the pretext that the petitioner and others are involve in preparing illegal wine however, no illicit wine was recovered from his house but only in order to falsely implicate the petitioner, recovery of a rifle has been shown. He next submits that the alleged recovery has been made from the joint family house where several persons reside and the petitioner cannot be made responsible for the alleged recovery. He further submits that the innocence of the petitioner is fortified for the simple reason that the petitioner having no criminal antecedent apart from the fact that there is no independent witness to the seizure list though the recovery has been made from the house of the petitioner. He lastly submits that the petitioner has remained in custody for over a period of 9 months and the charge-sheet has already been submitted.

On the other hand learned APP for the State while opposing the bail to the petitioner submits that the petitioner was apprehended with the rifle and he failed to produce any valid license for the same.

Regard being had to the submissions made on behalf of the parties and considering the fact that the alleged recovery has been made from the joint family house of the petitioner,



coupled with the period of custody and the fact that the charge-sheet has been submitted, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned ACJM-VI, Patna City, Patna in connection with Gaurichak P.S. Case No. 326 of 2022, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

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

(iii) He 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, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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