

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68521 of 2022**

Arising Out of PS. Case No.-170 Year-2022 Thana- BUXAR MUFFSIL District- Buxar

SANGRAM YADAV S/O Late Khuti Yadav R/O Village- Lalganj, P.S- Buxar
Muffasil in the district Buxar

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar, Adv.

For the Opposite Party/s : Mr. Anil Prasad Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 23-03-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered for the offences punishable under Sections 25(1-b)a, 26/35 of the Arms Act.

According to prosecution case, it is alleged that on the basis of disclosure made by the petitioner, one loaded country made pistol and three live cartridges are said to have been recovered from the house of the co-accused persons namely, Nitish Kumar and Suraj Kumar.

Learned counsel for the petitioner submits that the petitioner is innocent and he has falsely been implicated in the present case. He further submits that on the basis of self confessional statement of the petitioner, which was recorded in



Buxar (M) P.S. Case No. 153/2022, the present F.I.R. has been instituted against the petitioner and other co-accused persons. He further submits that on the disclosure made by the petitioner, the arms have been recovered from the house of the co-accused persons namely, Nitish Kumar and Suraj Kumar. He further submits that it appears from the F.I.R. that nothing has been recovered from the conscious possession or the house of the petitioner and one country made pistol has been recovered from the house of the co-accused persons namely, Nitish Kumar and Suraj Kumar and the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 27.06.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries two criminal antecedents other than the present one.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Buxar (M) P.S. Case No. 170/2022, subject to the following conditions:-

1. Petitioner shall co-operate in the trial



and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. 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.

(Rajesh Kumar Verma, J)

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