

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70491 of 2022

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

Brind Yadav Son of Ram Prit Yadav, R/V- Chakrahima, P.S- Gaurichak, Dist- 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. Uma Shankar Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 29-03-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), if any, as pointed out by the office
be removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Gaurichak P.S. Case No. 326 of 2022 registered
for the alleged offences under Sections 25(1-b)a, 26, 35 of the
Arms Act.

As per prosecution case, the police received
information about the petitioner and co-accused Akash Kumar
keeping a rifle at the roof of their house and threatening his co-
villagers with it. It is further alleged in the FIR that the
petitioner and co-accused Akash Kumar were also involved in
manufacturing the illicit liquor. A raid was conducted on the



house of the petitioner and co-accused Akash Kumar, they were apprehended and from their possession one country made rifle was recovered.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case and he has nothing to do with the persons as alleged. No recovery of any firearm and ammunition has been made from the possession of this petitioner. From the seizure list, it is also apparent that the rifle was without any cartridge and it was an empty rifle. Further, as per FIR, there ought to be some illicit liquor, but no recovery of such liquor has been made. Co-accused Akash Kumar has been granted bail by a Co-ordinate Bench of this Court vide order dated 25.02.2023 passed in Criminal Misc. No. 66692 of 2022. The petitioner is in custody since 26.05.2022 and the charge-sheet has been submitted in this case. The petitioner has got no criminal history.

Learned APP for the State opposes the prayer for bail.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that recovery has been shown from the joint possession of two persons and further considering the period of custody of the petitioner, his clean antecedent and submission of charge-sheet



along with the fact that co-accused Akash Kumar has been granted bail by a Co-ordinate Bench, the above named petitioner is directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-VI, Patna City in connection with Gaurichak P.S. Case No. 326 of 2022, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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