

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73323 of 2022**

Arising Out of PS. Case No.-76 Year-2022 Thana- ISMAILPUR District- Bhagalpur

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ROSHAN KUMAR @ ROSHAN YADAV @ ROSHAN KUMAR YADAV
S/o Vedanand Yadav @ Vedanand Prasad Yadav R/o Village- Bhitha, P.S-
Ismailpur, Distt- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Purushottam Kumar Das, Advocate

For the Opposite Party/s : Mr.Jitendra Kumar Singh,APP

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

3 22-06-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail, who is in custody since
08.06.2022 in connection with Ismailpur P.S. Case No. 76 of
2022, F.I.R. dated 07.06.2022 registered for the offence
punishable under Sections 25(1-b), 26 and 35 of Arms Act.

The case relates to recovery of a loaded Carbine and
11.09 MM cartridges alongwith 10 pieces of cartridges from the
house of the petitioner.

Learned counsel appearing for the petitioner submits
that the petitioner has clean antecedent and he has falsely been
implicated in the present case. Further submits that it appears
from the FIR as well as the seizure list that a loaded Carbine and



11.09 MM cartridges alongwith 10 pieces of cartridges have been recovered. Learned counsel for the petitioner submits that the same has not been recovered from conscious possession of the petitioner rather the same has been recovered from the house of the petitioner and there is non-compliance of Section 100 of Cr.P.C. and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 08.06.2022.

Learned APP for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail **after framing of the charges** on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned J.M.1st Class, Naugachia in connection with Ismailpur P.S. Case No. 76 of 2022 ,with 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/her absence on two consecutive dates without sufficient reason, his/her 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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