

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9923 of 2024

Arising Out of PS. Case No.-100 Year-2023 Thana- NOKHA District- Rohtas

Ajit Yadav Son of Shiv Ji Singh Resident of Village-Karan, P.S.-Baghaila,
Distt.-Rohtas, Sasaram

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Chhote Lal Mishra, Advocate

For the Opposite Party/s : Mr.Ram Naresh Ray, Advocate

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

3 16-04-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Nokha P.S. Case No. 100/2023 lodged on 28.04.2023 under
Sections 25(1-B)a, 26, 35 of the Arms Act.

3. As per the prosecution case, the FIR has been
lodged against two accused persons, including the present
petitioner. According to the FIR, the police apprehended two
accused persons. On search being made, from the possession of
the co-accused one loaded country-made pistol along with eight
live cartridges whereas from the possession of the petitioner one
loaded country-made pistol along with seven live cartridges
were recovered.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and has committed no offence. In fact, the petitioner has been trapped by the police only due to the reason that the criminal antecedent of the petitioner is not clean as he is accused in 12 more criminal cases. Moreover, the charge has already been framed and he is in custody since 29.04.2023.

5. Learned counsel for the State opposes the prayer for bail and submits that the petitioner along with one other co-accused has been arrested by the police and on search being made from their possession, illegal arms have been recovered. Moreover, he is accused in 11 more criminal cases apart from the present case.

6. Learned counsel for the petitioner further submits that there is every likelihood that within 2-3 months the entire evidence shall be completed.

7. In the present facts and circumstances of this case and the submissions made above, this Court directs the trial Court that **in case, the evidence of prosecution shall not be completed within two months from today, then the trial Court shall release the petitioner on bail**, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned ACJM, Rohtas at Sasaram, subject to the conditions as laid



down under Section 437(3) of the Code of Criminal Procedure with other 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 bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(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 the bail bonds.

8. Before releasing the petitioner on bail, the trial Court shall also verify that the petitioner is not absconding in any of the cases as mentioned in paragraph no.3 of the petition as under :-



- (I) Nokha P.S. Case No. 189/2019
- (ii) Nokha P.S. Case No. 215/2019
- (iii) Nokha P.S. Case No. 37/2021
- (iv) Madanpur (Aurangabad) P.S. Case No. 244/2019
- (v) Dinara P.S. Case No. 80/2021
- (vi) Nasriganj P.S. Case No. 72/2021
- (vii) Nasriganj P.S. Case No. 89/2021
- (viii) Sasaram Nagar P.S. Case No. 742/2020
- (ix) Baghaila P.S. Case No. 34/2020.
- (x) Kachchhawan P.S. Case No. 22/2021
- (xi) Nokha P.S. Case No. 99/2023

(Dr. Anshuman, J)

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