

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22229 of 2024

Arising Out of PS. Case No.-642 Year-2023 Thana- SAHARSA SADAR District- Saharsa

Ashish Kumar @ Ashish Yadav Son of Sri Ram Chandra Yadav Resident of Village - Basantpur, Ward No.05, P.S. - Simari Bakhtiyarpur, District - Saharsa At Present Also Residing In Own Building At Mohalla - Bataraha, Ward No.25, P.S. - Saharsa Sadar, District - Saharsa (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Akash Anand, Adv.

For the Opposite Party/s : Mr.Nawal Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 01-04-2024 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with Saharsa Sadar P.S. Case No. 642 of 2023 instituted for the offences under Sections 25(1-B)(a), 26, 35 of the Arms Act.

3. As per prosecution case, the Informant, on receipt of information, reached at the place of occurrence and apprehended the accused persons including the present petitioner. On search, the police recovered one country made pistol, two live cartridges and Rs. 35,000/- cash from the possession of the petitioner. The police has also seized one Apache Motorcycle bearing no registration number.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case. The petitioner has no concern with the alleged arms and ammunition and nothing has been recovered from the possession of the petitioner. There is no compliance of Section 100 of the Cr.P.C. The petitioner has altogether six criminal antecedents but, in all, he is on bail as has been stated in paragraph no.3 of the present bail application. The petitioner is languishing in judicial custody since 12.09.2023 and the charge-sheet has been submitted in this case. The charge has also been framed.

5. On the other hand, the learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that the petitioner was arrested at the spot and has six criminal antecedents and, thus, the petitioner does not deserve bail.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner, let the petitioner, abovenamed, be released on bail after framing of charge, if already not framed, on furnishing bail bonds of



Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Saharsa Sadar P.S. Case No. 642 of 2023, subject to following conditions;

(i) One of the bailors shall be own/close member of the family of the petitioner.

(ii) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

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