

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33436 of 2024

Arising Out of PS. Case No.-365 Year-2023 Thana- CHAUTHAM District- Khagaria

Santosh Yadav @ Thutha Yadav @ Thuthawa son of Aashik Yadav Resident
of Village- Rohiyar, P.S.- Mansi, Dist.- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Abdul Mannan Khan, Adv. Mr. Binay Kumar, Adv. Mr. Hafiz Shahbaz Arif, Adv.
For the Opposite Party/s	:	Mr. Surendra Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 02-05-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Chautham P.S. Case No. 365 of 2023 (G.R. No. 3837 of 2023)
instituted for the offences under Sections 25(1-b)a, 26 of the
Arms Act.

3. As per prosecution case, the police has recovered
one country made pistol and eight live cartridges from the
physical possession of the petitioner.

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.



There is a non-compliance of Section 100 of the Cr.P.C. which creates a serious doubt in the prosecution case. The petitioner has altogether four criminal antecedents and, in all of them, he is on bail as has been stated in Para-3 of the present bail petition. The petitioner is languishing in judicial custody since 09.11.2023 without any rhymes or reason. Charge-sheet has been submitted in this case.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

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 not already 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 Chautham P.S. Case No. 365 of 2023 (G.R. No. 3837 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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