

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45689 of 2024**

Arising Out of PS. Case No.-133 Year-2023 Thana- ALIPUR District- Gaya

Shyam Bahadur Yadav S/O Sukhu Yadav R/O Village Thanpur, P.S. Alipur,
Distt-Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sharda Nand Mishra

For the Opposite Party/s : Ms.Renu Kumari

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

ORAL ORDER

2 28-06-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in Alipur P.S. case No. 133
of 2023 instituted for the offences under Sections 25(1-b)a,
26 and 35 of the Arms Act.

3. The prosecution case, in short, is that 7 country
made pistol and one mobile phone have been recovered from the
house of co-accused.

4. Learned counsel for the petitioner submits that the
petitioner has falsely been implicated in the present case.
Charge-sheet has been submitted in this case. Petitioner was not



apprehended on spot. The petitioner has got no concern with the alleged recovery of arms. No incriminating article has been recovered from the conscious possession of the petitioner. The petitioner is in custody since 04.03.2024 and has got no criminal antecedent. There is no compliance of Section 100 of Cr.P.C. The co-accused has already been granted bail by this Court vide order dated 20.02.2024 passed in Cr. Misc. No. 9039 of 2024.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case, the period of custody undergone by the petitioner and the petitioner having clean antecedent, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail 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 Alipur P.S. case No. 133 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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