

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60676 of 2024

Arising Out of PS. Case No.-10 Year-2024 Thana- Banma Itahari District- Saharsa

Jai Ram Yadav @ Jai Jai Ram Yadav S/O Late Dunilal Yadav @ Tunilal Yadav R/O Village-Rasalpur, P.S-Banma Itahari, Dist-Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Chandra Mohan Jha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

3 04-10-2024 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with Banma Ithari P.S. Case No. 10 of 2024 instituted for the offence under Sections 25(1-B)A, 26, 30 & 35 of the Arms Act.

3. Prosecution case in short is that there is recovery of two rifles, one country made pistol along with twenty five cartridges from the house of this petitioner.

4. It has been submitted on behalf of the petitioner that the petitioner is in custody since 30-03-2024. Petitioner bears no criminal antecedents, as per disclosure made in paragraph No. 3 of the bail application.

5. It has been further submitted by the petitioner's



counsel that petitioner has falsely implicated in this case. Learned counsel further submitted that, in fact, nothing has been recovered from the conscious possession of the petitioner. There is no compliance of Section 100 of the Cr.P.C. Petitioner has no concern with the alleged recovery of arms. The co-accused person has already been granted bail by this Bench vide order dated 14.08.2024 passed in Cr. Misc. No. 55305 of 2024.

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

7. Considering the aforesaid facts and circumstances of the case, claim based on parity and period of custody of the petitioner, this Court is inclined to grant bail to the petitioner.

8. 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 Banma Ithari P.S. Case No. 10 of 2024, subject to the 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.

(III) 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.

(Rudra Prakash Mishra, J)

Alok Verma/-

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