

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60648 of 2024

Arising Out of PS. Case No.-80 Year-2024 Thana- DHANAHAN District- West Champaran

Jawahir Yadav @ Jawahir @ Jawahar, aged about 30 years, Male, Son of Late Dukhi Yadav, Resident of Village - Dhavahiya, P.S. - Dhanaha, District - West Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Bimlesh Kumar Pandey, Advocate
For the Opposite Party : Mr. Md. Aslam Ansari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 26-10-2024 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner seeks bail in connection with Dhanaha P.S. Case No. 80 of 2024 dated 16.04.2024 registered for the offences punishable under Sections 25(1B)a and 26 of the Arms Act.

3. As per the prosecution case, on 16.04.2024 at about 6.10 P.M., on receiving information that the petitioner who is wanted in two dozen cases, has come to his home at Dhawahiya, Dhanaha, the informant and other officials surrounded his house and arrested him and from his possession, one country made double barrel pistol alongwith four live cartridges, mobile phones and looted Rs. 10,500/- were recovered.



4. Vide order dated 02.09.2024, photo copy of the case diary as well as the status report with respect to the stage of trial was called for from the learned court below.

5. In compliance of the aforesaid order dated 02.09.2024, legible copy of the case diary alongwith the status report has been sent by learned J.M. Ist Class, Bagaha, West Champaran, to this Court. It has been reported that cognizance of the offence has been taken against the petitioner on 06.09.2024 and summon has been issued against him on 06.09.2024 and the record is fixed for appearance of the petitioner on 07.10.2024.

6. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in the present case. No incriminating article has been recovered from his possession. He has no concern with the alleged offence. There is no compliance of Section 100 of the Cr.P.C. The petitioner has twenty eight (28) criminal antecedents and in twenty six (26) cases, he is on bail as stated in paragraph no. 3 of the bail application. The petitioner is in custody in this case since 17.04.2024.

7. Learned A.P.P. for the State has opposed the prayer for bail petition of the petitioner.



8. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned J.M. Ist Class, Bagaha, West Champaran in connection with Dhanaha P.S. Case No. 80 of 2024 with further conditions:-

(I) The petitioner is directed to remain physically present before the learned court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioner are liable to be cancelled.

II. The learned court below shall verify the criminal antecedent of the petitioner and at any stage, if it is found that the petitioner has concealed his criminal antecedent, the learned court below shall take step for cancellation of bail bonds of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for the purpose of or in the name



of verification.

9. The application stands allowed.

(Chandra Prakash Singh, J)

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