

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69885 of 2024

Arising Out of PS. Case No.-45 Year-2024 Thana- Panchanpur District- Gaya

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1. Santosh Kumar @ Santosh Yadav Son of Late Surendra Yadav R/O Vill.- Sawasin, P.S.- Panchanepur, Dist.- Gaya, Bihar.
 2. Mantosh Kumar @ Mantosh Yadav Son of Late Surendra Yadav R/O Vill.- Sawasin, P.S.- Panchanepur, Dist.- Gaya, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sunil Kumar Yadav, Advocate
For the State	:	Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 04-10-2024 Heard the parties.

2. The petitioners are in custody in connection with Panchanpur P.S. Case No. 45 of 2024 for the offence punishable under sections 25(1-b) a/26/35 of the Arms Act, lodged on 22.05.2024 by the informant, Mukesh Kumar Yadav.

3. As per the prosecution story, that informant alleged that upon knowledge that during the scuffle in the village, some of the accused persons had flashed arms, the police went and upon intercepting these petitioners accepted the guilt of having flashed the country made pistol during the scuffle and further informed that it has been placed in the house of one Pandit Yadav who contests the election of Mukhiya. Thereafter, the house of Pandit Yadav was raided/searched and there is recovery



of arms from it. Accordingly, he was arrested which followed the F.I.R.

4. Learned counsel for the petitioners submit that both are brothers, only due to criminal antecedent have already suffered and further, if granted the privilege of bail will try to come back to the main stream of the society and in case any further criminal activity, the court concerned shall be free to cancel the present bail. Both of them are in custody since 13.06.2024 (paragraph no.12 of the petition). The further submission is that one co-accused Shankar Mistry has been granted bail in Cr. Misc. No. 60878 of 2024.

5. Let the same be kept on record.

6. Learned APP opposed the prayer submitting that they have criminal antecedent.

7. Though, the petitioners have criminal antecedent, they have remained in custody since 13.06.2024, have undertaken to diligently appear in trial, this Court is inclined to extend him the privilege of bail.

8. Let the petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-VI, Gaya, in connection with



Panchanepur P.S. Case No. 45 of 2024, subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioners who shall provide official document to show his/her bona fide;

(ii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioners shall appear before the concerned police station every fortnight for six months to mark his attendance;

(iv) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Rajiv Roy, J)

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