

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85833 of 2023

Arising Out of PS. Case No.-116 Year-2023 Thana- BACHHWARA District- Begusarai

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SOGARATH YADAV SON OF LATE DUNIYA LAL YADAV R/O
VILLAGE- BHAGWANPUR, P.S.- BACHHWARA, DISTRICT-
BEGUSARAI

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shivendra Prasad

For the Opposite Party/s : Mr.Abhay Kumar Roy

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 23-01-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
Bachhwara P.S. Case No. 116 of 2023 registered for the
offences punishable under Sections 25(-1b)a, and 26 of the
Arms Act.

3. As per prosecution case, there was alleged
recovery of one musket loaded with one live cartridge from the
possession of the petitioner and petitioner apprehended on the
spot.

4. Learned counsel for the petitioner submits that
petitioner is in custody since 11.04.2023 and bears no criminal
antecedent. Charge sheet has been submitted in the case and



there is no likelihood of tampering with the prosecution evidence. He further submits that there is dispute between petitioner and his sister-in-law and on account of said dispute petitioner was apprehended at the place of occurrence and falsely been implicated in the present case. Nothing has been recovered from the conscious possession of the petitioner rather recovery was made from the place which is outside the premises of the petitioner and the same is an open place, which is accessible to all. He further submits that petitioner is quite innocent and has committed no offence as alleged in the FIR.

5. The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of the petitioner, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Begusarai in connection with Bachhwara P.S. Case



No.116 of 2023 , subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(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.

(Alok Kumar Pandey, J)

vashudha/-

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