

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77283 of 2024

Arising Out of PS. Case No.-2 Year-2024 Thana- Kanaria District- Saharsa

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1. Hakim Yadav @ Hkim Yadav S/O Late Rajeshwar Yadav @ Rajo Yadav R/O Village- Kathdumar Tola, Izraha, P.S.- Kanaria, District- Saharsa
 2. Deepak Yadav @ Dipak Yadav S/O Hakim Yadav @ Hkim Yadav R/O Village- Kathdumar Tola, Izraha, P.S.- Kanaria, District- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kamal Kishore Singh, Adv.

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 22-01-2025 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. In the present case, the petitioners seek bail in connection with Kanaria P.S. Case No. 2 of 2024, registered for the offences under Sections 25(1-B)a, 26, 35 of the Arms Act.

3. As per the prosecution case, police received secret information about petitioners keeping fire arm in their house for committing some offence. A raid was conducted and from the room of the petitioner Deepak Yadav, a rifle and a magazine loaded with four cartridges were recovered. Beneath the pillow of the bed of the petitioner Hakim Yadav, recovery of a country made *katta* was made.



4. Learned counsel appearing on behalf of the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. Nothing incriminating has been recovered from the person or possession of the petitioners. Seizure list prepared in the case is not in accordance with provisions of law. Petitioner no. 1 is aged about 71 years and petitioner no. 2 is son of the petitioner no. 1 and it is not believable that both father and son were concealing illegal arms and ammunition in their house together. Learned counsel further submits that though petitioners are having antecedent of three cases and four cases respectively, they are on bail in all the cases. The petitioners are in custody since 24.06.2024 and charge sheet has been submitted.

5. Learned A.P.P. appearing for the State opposes the submission made on behalf of the petitioners. Learned A.P.P. submits that the petitioners are having antecedent of 3 and 4 cases, respectively, and they appear to be habitual offenders. Learned A.P.P. submits that recovery has been made from the house of the petitioners.

6. Having regard to the fact and circumstances and submission made on behalf of the parties and considering the period of custody of the petitioners and submission of charge



sheet, the petitioners are directed to be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned C.J.M., Saharsa/concerned court, in connection with Kanaria P.S. Case No. 2 of 2024, subject to the condition laid down under Section 437(3) of the code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the below, if so required by the learned trial court.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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