

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.23393 of 2016

Arising Out of PS.Case No. -372 Year- 2015 Thana -ALAMGANJ District- PATNA

Sanjay Yadav @ Khesari Yadav, Son of Late Hari Chand Yadav, resident of Mohalla - Purvi Nandgola, P.S. Malsalami, District – PatnaPetitioner
Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner/s : Mr. Pramod Kumar, Advocate

For the Opposite Party/s : Mr. Pradip Narayan Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL ORDER

2 30-05-2016

Heard learned counsel for the petitioner and learned

counsel for the State.

In this case, the petitioner is seeking bail in connection with Alamganj P.S. Case No. 372 of 2015 registered for offences under Sections 399 and 402 of the Indian Penal Code and Sections 25(1-b)a, 26 and 35 of the Arms Act.

The Police have received information that some accused persons are planning to commit crime whereupon the Police party reached at Iron Kasera and found 6-7 persons assembled. Looking to the Police party, they started fleeing away whereupon the Police arrested the petitioner. From his possession, one country made pistol and one cartridge were recovered. The petitioner was made an accused earlier in Sessions Trial No. 111 of 2013 arising out of Malsalami P.S. Case No. 156 of 2012 for offences under Section 302 of the Indian Penal Code, in which, he has been acquitted. The petitioner has produced the order of this

Court dated 02.05.2016 and 03.05.2016 passed in Criminal Miscellaneous No. 18051 of 2016 (Rahul Kumar Yadav v. The State of Bihar) and Criminal Miscellaneous No. 18840 of 2016 (Sanjay @ Bholu Shah v. The State of Bihar). The petitioner is in custody since 31.12.2015.

Looking to the facts and circumstances of the case, let the petitioner, namely, Sanjay Yadav @ Khesari Yadav, be released on bail on or after 30th of June, 2016 on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Patna City in connection with Alamganj P.S. Case No.372 of 2015, subject to the condition that (i) one of the bailors shall be a close relative of the petitioner (ii) if the petitioner is found involved in future in similar type of case, the prosecution will be at liberty to make prayer for cancellation of bail and (iii) the petitioner would cooperate the proceeding of the court below. In event of failure to appear on two consecutive dates, the court below will be at liberty to pass the order, including cancellation of bail bonds.

(Shivaji Pandey, J)

Vats/-

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