

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51535 of 2016

Arising Out of PS.Case No. -122 Year- 2016 Thana -JHAJHA District- JAMUI

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Pradeep Yadav, son of Bhunesar Yadav @ Bhuneshwar Yadav, resident of
village Baijla, P.S. Jhajha, District Jamui

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Anand Kishore Choudhary, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 05-12-2016 Heard learned counsel for the petitioner and

learned APP for the State.

Petitioner is languishing in custody since
04.07.2016 in connection with Jhajha P.S. Case No. 122/16 for
offences punishable under Sections 399, 402 of the Indian Penal
Code and under Sections 25(1-b) a, 26/35 of the Arms Act.

The prosecution case, as lodged by the police,
is that on chase seven accused persons including the petitioner
were arrested and from the possession of the petitioner one
country-made pistol, one cartridge and one mobile phone have
been recovered.

It has been submitted by the learned counsel for
the petitioner that he is innocent and has falsely been implicated
in the aforesaid case. He submits that the petitioner bears no



criminal history and that the seizure-list has not been handed over to the petitioner, hence, there is violation of Section 100(6) of the Cr.P.C. He further submits that charge-sheet has already been submitted, hence, there is no chance of tampering with the prosecution evidence.

However, learned APP for the State submits that seven persons including the petitioner have been apprehended, hence, opposes the prayer for bail.

Be that as it may, since the charge-sheet has already been submitted and from the materials available, it does not reveal that the petitioner's release on bail would adversely affect his trial, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Jamui in connection with Jhajha P.S. Case No. 122/16.

This direction of bail is further subject to the condition that the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence and shall appear before the learned Court below as and when



directed.

With these observations and directions, the application stands allowed.

(Nilu Agrawal, J.)

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