

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40893 of 2016

Arising Out of PS.Case No. -163 Year- 2016 Thana -MEERGANJ District- GOPALGANJ

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Balister Yadav @ Register Yadav son of late Jangali Yadav resident of
village - Koiladewa, P.S. - Phulwaria, District - Gopalganj.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Pandey

For the Opposite Party/s : Mr. Smt. Indu Bala Pandey

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**
ORAL ORDER

02/ 22-09-2016

Heard learned counsels for the petitioner and
the State.

The petitioner is languishing in custody since
24.06.2016 in a case registered for the offences punishable under
Sections 399, 402, 414 of the Indian Penal Code, Sections 25(1-
B)a/26/35 of the Arms Act and Sections 20 & 22 of the NDPS
Act.

On information that the miscreants are
preparing to commit dacoity, raid was laid, when eight persons
were apprehended but three managed to escape from the scene.
Five persons were found sitting in the Bolero vehicle including the
petitioner. From the possession of the petitioner one live cartridge
was recovered, though, from the seized vehicle 3.800 kgs. Ganja

were recovered. From other accused persons also the arms and ammunitions were recovered.

It is submitted by learned counsel for the petitioner that co-accused Md. Seraj Ansari, who was found sitting in the vehicle, though, no recovery has been made, has been granted bail by learned Incharge Sessions Judge vide order dated 12.08.2016 as contained in Annexure-2. Though, the petitioner is accused in two other cases but he is on bail in those cases. Statement to that effect has been made in paragraph 3 of the petition. The recovery was of one live cartridge from the possession of the petitioner but the learned Sessions Judge in the impugned order has committed error of record that one country made pistol was also recovered from the possession of the petitioner. The petitioner was simply a passenger in the vehicle in question.

Considering the nature of recovery, let the above named petitioner, be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge, Gopalganj in connection with Mirganj P.S. Case No. 163 of 2016.

Keeping in view of the criminal antecedent of the petitioner, the learned court below will positively cancel the

bail bonds of the petitioner in two eventualities i.e. if he defaults for two consecutive occasions or substantially gets involved in some serious nature of offence.

(Dinesh Kumar Singh, J)

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