

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49505 of 2016

Arising Out of PS.Case No. -342 Year- 2015 Thana -BALIA District- BEGUSARAI

=====

Mukesh Yadav Son of late Yogendra Yadav, resident of village- Rajepur, Katarmala, P.S. Dandari, at present resident of Badi Balia, P.S. Balia, District Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Pritish Kumar Lal

For the Opposite Party/s : Mr. Narsingh Tanti

=====

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

3 11-01-2017 Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner had earlier moved before this Court for bail in connection with Balia P.S. Case No. 343 of 2015 for offences under sections 25(1-b)a, 26 and 35 of the Arms Act and this Court, vide order dated 14.12.2016, granted bail to the petitioner.

In the present case, the petitioner is seeking bail in connection with Sessions Trial No. 254 of 2016, arising from Balia P.S. Case No. 342 of 2015 registered for offences under sections 353, 307/34 of the Indian Penal Code.

As per the allegation, the Police has got the secret information that some criminals are making plan for commission



of crime, on that basis, they have gone where there was an exchange of fire and the petitioner was apprehended at the place of occurrence.

The counsel for the petitioner submits that during investigation, even an empty bullet was not found at the place of occurrence, not the Police officials have received any bullet injury.

This Court has called the report from the court below and from where it appears that altogether out of 12 witnesses, 04 witnesses have been examined.

The petitioner, in paragraph 10 of this petition, has mentioned that the petitioner is in custody since 29.10.2015.

Looking to the period of custody, let the petitioner, Mukesh Yadav, be released on bail on his furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge-IV, Begusarai in connection with Balia P.S. Case No. 342 of 2015, subject to the condition that (i) one of the bailors shall be father/mother/wife/son 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 his bail and the court below will pass necessary order, including cancellation of bail and (iii) the petitioner would cooperate in the proceeding of



the court below. In event of failure to appear on two consecutive dates without any valid rhyme or reason, the court below will be at liberty to pass the order, including cancellation of bail bonds.

(Shivaji Pandey, J)

Mahesh/-

U		T	
---	--	---	--

