

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37992 of 2017

Arising Out of PS.Case No. -7 Year- 2017 Thana -LAUKARIA District-
WESTCHAMPARAN(BETTIAH)

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Kishan Yadav son of Chandradeo Yadav @ Chanardeo Yadav, R/o
Narayanapur (Chirantola), P.S.- Bagaha (Patkhauri), District- West
Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Nirmal Kumar Sinha, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 31-10-2017 Heard learned counsel for the petitioner and the learned
A.P.P. for the State.

Petitioner is languishing in judicial custody since 25.01.2017
in connection with Laukariya P.S. Case No. 07 of 2017 registered
for the offence punishable under Section 393 of the Indian Penal
Code and Sections 25(1-b)A, 26 and 35 of the Arms Act.

The prosecution case, as lodged by the informant Police
personnel, is that during course of patrolling, they got a secret
information that some dacoity is being planned to be committed in a
fish shop. While they arrived at the place of occurrence, two
persons tried to flee away seeing the police personnel, who were
apprehended and petitioner was one of them. On search one country



made loaded pistol with one live cartridge was found from the possession of the petitioner and two live cartridges were found from the pocket of other co-accused, Awadhesh Srivastava. Accordingly, a seizure-list was prepared.

It has been submitted by the learned counsel for the petitioner that he is innocent and has been implicated earlier in a case, which is of the year 2007 in which he is on bail and except that, he has no criminal antecedent. He submits that charge-sheet has already been submitted and there is no allegation of tampering with the prosecution witnesses by the petitioner. It is further submitted that another co-accused has since been granted the privilege of bail by a coordinate Bench of this Court in Cr. Misc. No. 22628 of 2007 on 16.05.2017.

However, learned A.P.P. for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record as well as the period of custody, let the petitioner above named be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand only) with two sureties of the like amount each to the satisfaction of Sri Sandeep Patel, learned Judicial Magistrate 1st Class, Bagaha, West Champaran in



connection with Laukariya P.S. Case No. 07 of 2017, subject to the following conditions:

(i) Both the bailors would be close relative of the petitioner having sufficient immovable properties, who will file an affidavit stating their relationship with the petitioner.

(ii) If, in future, petitioner indulges in an offence of similar nature, the prosecution will be at liberty to move the learned Court below for cancellation of his bail bonds.

(Nilu Agrawal, J.)

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