

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35986 of 2017

Arising Out of PS.Case No. -117 Year- 2017 Thana -RAJAUN District- BANKA

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Shatru Yadav Son of Raghu Yadav, R/o Barari, P.S.- Kadhagola, District-
Katihar.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Singh

For the Opposite Party/s : Mr. Sri Nityanand

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

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

Petitioner is languishing in judicial custody since
09.04.2017 in connection with Rajoun P.S. Case No. 117 of 2017
for offences punishable under Sections 25(1-b) a/26 Arms Act and
30 (a) of Bihar Prohibition of Excise Act.

The prosecution case, as lodged by the police
personnel, is that the vehicle of the petitioner was intercepted and
the petitioner along with two other persons were apprehended. On
search from the petitioner one country made pistol with 12 live
cartridges was found and from the possession of co-accused
Harish Kumar Yadav 17 live cartridges was recovered and from



co-accused Munnilal Yadav one dagger and from the dickey one bottle foreign liquor of 750ml was recovered. Accordingly, the seizure list was prepared.

It has been submitted by the learned counsel for the petitioner that he is innocent, no overt act has been alleged to have been committed and that charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioner. He submits that co-accused Harish Kumar Yadav has since been granted the privilege of bail by a co-ordinate Bench of this Court in Cr. Misc. No. 32437 of 2017 on 13.07.2017.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner does not have a clean antecedent and is involved in two more cases earlier.

Considering the facts and circumstances and the materials on record, 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 Chief Judicial Magistrate, Banka in connection with Rajoun P.S. Case No. 117 of 2017 subject to the condition that:

If the petitioner, after his release in this case, is



again found involved in similar nature of cases then the concerned court would be at liberty to take steps for cancellation of his bail bonds.

That apart, in view of the antecedents of the petitioner, he would be required to appear before the Superintendent of Police, Banka within fifteen days of his release with a copy of this order and every two weeks thereafter for the next six months. The conduct of the petitioner will be kept under watch in the aforesaid period by the Superintendent of Police concerned and if it is found wanting in any respect, a report shall be made to the court concerned by him to initiate a proceeding for cancellation of bail for reasons of misuse of bail. After reporting to the Superintendent of Police, a certificate will be filed by the petitioner before the court concerned which should be granted by the Superintendent of Police upon his appearance.

(Nilu Agrawal, J)

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