

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.7442 of 2018**

Arising Out of PS.Case No. -97 Year- 2017 Thana -WARISNAGAR District- SAMASTIPUR

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Pawan Kumar Yadav @ Pawan Rai, son of Kapileshwar Yadav, resident of  
Village- Brahmpur, P.S. Kamtaul, District- Darbhanga.

.... .... Petitioner/s

Versus

The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Devendra Kumar, Advocate

For the Opposite Party/s : Mr. Mithilesh Kumar Khare, APP

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**CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA**  
**ORAL ORDER**

3      22-02-2018                      Heard learned counsel for the petitioner and the  
  
learned counsel appearing on behalf of the State.

The petitioner is in custody since 26.04.2017 in  
connection with Warishnagar P.S. Case No.97 of 2017  
registered for the offence under Sections 399, 402 and 414 of  
the Indian Penal Code and Sections 25(1-b)AAA/26/35 of the  
Arms Act.

Learned counsel for the petitioner submits that  
though it is alleged that the petitioner was apprehended along  
with other accused persons while they were planning to commit  
some offence, the recovery, which is said to be made from the  
petitioner, is of a country made pistol along with magazine and  
live cartridges. Learned counsel for the petitioner further



submits that, admittedly, the petitioner is involved in several other cases in which he has been taken into custody either on remand or on the basis of the confessional statement made before the police, which has no evidentiary value. He further submits that since the petitioner has already been in custody for almost ten months, he may be extended the privilege of anticipatory bail as barring two cases, the petitioner has already been extended regular bail.

Taking into consideration such facts and circumstances, let the petitioner, above named, 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 the learned Chief Judicial Magistrate, Samastipur, in connection with Warishnagar P.S. Case No.97 of 2017, subject to the following conditions:

(1) One of the bailors will be his father.

(2) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.

(3) The petitioner shall remain physically present in court on each and every date during trial and in the event of his failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court



concerned.

(4) The petitioner shall co-operate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

**(Anjana Mishra, J)**

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