

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.8780 of 2019

Arising Out of PS. Case No.-162 Year-2018 Thana- SHAMBHUGANJ District- Banka

BIDEO YADAV @ VIDYA NAND YADAV @ VIDYANBHUSHAN
YADAV @ Videv Yadav, aged 45 years, Male, Son of Late Shiv Nandan
Yadav, Resident of village-Asota, P.S. Shambhuganj, district Banka
... Petitioner

Versus

The State of Bihar ... Opposite Party

Appearance :

For the Petitioner : Mr. Ajay Mukherjee, Adv.

For the Opposite Party : Mr. Rajesh Kumar, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL ORDER

2 15-02-2019 Heard the learned counsel for the petitioner and the
learned counsel appearing for the State.

The petitioner is languishing in judicial custody since
24.07.2018 in connection with Shambhuganj P.S. Case No. 162 of
2018 for the offences alleged under Sections 25(1-b)a and 26 of the
Arms Act.

The prosecution case, as lodged by the police personnel,
is that on information that in the house of the petitioner some
criminals have access, the police conducted a raid and from the bed
of the petitioner one country made pistol with four live cartridges
were recovered.

It has been submitted by the learned counsel for the
petitioner that he is innocent and has been falsely implicated in the
aforesaid case. It is, further, submitted that no overt-act has been
alleged to have been committed by the petitioner and charge sheet
has already been submitted, there being no allegation of tampering
with the prosecution witnesses. It is, further, submitted that the



petitioner is in judicial custody since more than six months.

However, the learned Additional Public Prosecutor for the State opposes the prayer for bail stating therein that the petitioner does not have clean antecedent and one more case of similar nature is pending against him.

Considering the facts and circumstances and the materials on record, let the petitioner, above named be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with Shambhuganj P.S. Case No. 162 of 2018 to the satisfaction of the learned Subdivisional Judicial Magistrate, Banka, subject to the following conditions :

(i) One of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.

(ii) If the petitioner indulges in an offence of similar nature in future, 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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