

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12371 of 2019**

Arising Out of PS. Case No.-214 Year-2018 Thana- MANSI District- Khagaria

RANDHIR YADAV, Male, aged about 22 years, Son of late Surendra Yadav
@ late Sulendra Yadav, Resident of village- Chukti, Police Station- Mansi,
District- Khagaria ... Petitioner

Versus

The State of Bihar ... Opposite Party

Appearance :

For the Petitioner : Mr. Bharat Bhushan, Adv.

For the Opposite Party : Mr. Umanath Mishra, APP

**CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER**

2 28-02-2019 Heard the learned counsel for the petitioner and the
learned counsel appearing for the State.

The petitioner is languishing in judicial custody since
05.11.2018 in connection with Mansi P.S. Case No. 214 of 2018
(G.R. No. 3077 of 2018) for the offences alleged under Sections
25(1-b)a, 26 and 35 of the Arms Act.

The prosecution case, as lodged by the police
personnel, is that while on patrolling duty they received
confidential information that two persons with arms are sitting
near the house of one Asharfi Rajak, near the well. Accordingly,
petitioner along with another co-accused, Sintu Yadav, were
apprehended. From the possession of co-accused, Sintu Yadav,
one country made pistol and one live cartridge was recovered
whereas from the possession of the petitioner one live cartridge



was recovered. Accordingly, a seizure list was prepared.

It has been submitted by the learned counsel for the petitioner that he is innocent, no overt act has been committed by him and he is languishing in judicial custody since more than three and half months, charge sheet has already been submitted, there being no allegation of tampering with the prosecution witnesses. He submits that one of the co-accused apprehended along with the petitioner has been granted privilege of bail by the learned Court below, but, since the petitioner was not having clean antecedent he has been denied the privilege of bail by the learned Court below although the allegations were more serious against the co-accused in the present case.

However, the learned Additional Public Prosecutor for the State opposes the prayer for bail stating therein that the petitioner does not have a clean antecedent, five cases are pending against him, three of similar nature.

Considering the facts and circumstances and the materials on record and the nature of allegations as well as the period of custody and that the charge sheet has already been submitted, 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 Mansi



P.S. Case No. 214 of 2018 (G.R. No. 3077 of 2018) to the satisfaction of the learned Chief Judicial Magistrate, Khagaria, 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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