

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11653 of 2019

Arising Out of PS. Case No.-971 Year-2018 Thana- SITAMARHI District- Sitamarhi

VIVEK KUMAR YADAV Son of Abhinandan Ray, Resident of Village-
Mohanpur, P.S and District-Sitamarhi.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Birendra Kumar

For the Opposite Party/s : Mr.Dashrath Mehta

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

2 05-04-2019 Heard learned counsel for the parties.

Petitioner, who is in custody, seeks bail registered for the offences punishable under Sections 399 and 402 of the Indian Penal Code and under Section 25(1-b)a, 26 and 35 of the Arms Act.

Informant has alleged that on receiving a secret information that some miscreants have assembled in order to commit some crime and on such information he raided the place and on seeing police one miscreant managed to escape, however four were apprehended and on their search one loaded pistol, one live cartridge and one mobile was recovered from their possession.

It has been submitted on behalf of the petitioner that he is innocent and has been falsely implicated in this case.



Nothing has been recovered from his possession. He is in custody since 16.10.2018.

Considering the fact that petitioner is having criminal antecedent, I am not inclined to enlarge the petitioner on bail at this stage. Hence, the prayer for bail of the petitioner is hereby rejected.

However, it is observed that the petitioner named above be released on bail **after completing one year of judicial custody by the court below** upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with **Sitamarhi P.S. Case No. 971 of 2018**, with following condition:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and his absence on two consecutive dates without sufficient reason, his bail bond shall be



cancelled by the court below.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(S. Kumar, J)

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