

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38083 of 2019**

Arising Out of PS. Case No.-273 Year-2019 Thana- KHAJANCHI HAT
District- Purnia

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MITHUN YADAV @ ADITYA ANAND @ MITHU YADAV, male, aged about 23 years, Son of Madanesh Prasad Yadav Resident of Village- Sarana Chauk, Driver Tola Rambagh Police Staion- Sadar, District- Purnea.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Vijay Kumar, Advocate.

For the Opposite Party: APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 26-06-2019 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest for the offences alleged under Sections 188 of the Indian Penal Code and Section 27 of the Arms Act registered in connection with K. hat P.S. Case No. 273 of 2019.

3. It is submitted that the petitioner has been falsely implicated in the backdrop of previous enmity as the parties are residents of the same place. It is submitted that no recovery of any incriminating articles, arms or ammunition has been made from the petitioner nor any used cartridges recovered from the place of occurrence and as such the accusation of firing by the petitioner is not supported. Statement is made at the Bar on behalf of the petitioner that no injury has been caused to anyone. Similarly situated co-accused Nishu Jha @ Awinash Keshav has been granted anticipatory bail by this Court in Cr. Misc. No. 37205 of 2019. The petitioner claims clean antecedents.



4. Be that as it may, in the event of the petitioner's arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Purnea in connection with K. hat P.S. Case No. 273 of 2019, subject to the conditions as laid down under Section 438 (2) Cr.P.C., and also subject to the following further conditions -

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall cooperate 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.

(iv) That the petitioner shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

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