

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49657 of 2019**

Arising Out of PS. Case No.-313 Year-2018 Thana- BIHIA District- Bhojpur

Manoj Kumar Yadav @ Manoj @ Manoj Yadav Son of Ghuran Yadav
Resident of Village - Bella, P.S.- Ara Muffasil, Dist.- Bhojpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sheo Jee Mishra, Advocate
For the Opposite Party/s : Mr.Dilip Kumar No. 1, APP

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

3 06-11-2019 Heard learned counsel for the petitioner and the State.

The petitioner seeks bail in **Bihiya P.S. Case No. 313 of 2018**, registered for the offences punishable under Sections 399, 402 and 414 of the Indian Penal Code and sections 25(1-b)a, 26 and 35 of the Arms Act.

Two country made pistol and two live cartridges are alleged to have been recovered from possession of this petitioner.

It is submitted by learned counsel appearing on behalf of petitioner that petitioner has falsely been implicated in this case. Other co-accused Rajesh Yadav @ Kariya Yadav has already been granted bail by a Coordinate Bench of this court vide order dated 26.03.2019 passed in Cr. Misc. No. 17478 of 2019. Petitioner is in custody since 13.08.2018.



Considering the facts aforesaid and keeping in view the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000 (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned **Additional Chief Judicial Magistrate-5, Bhojpur at Ara** in connection with **Bihiya P.S. Case No. 313 of 2018**, subject to the following conditions:-

(i) The 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 in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(ii) 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.

(Prabhat Kumar Singh, J)

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