

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82608 of 2019

Arising Out of PS. Case No.-511 Year-2019 Thana- SAHARSA District- Saharsa

KRISHNA KUMAR @ KRISHNA YADAV Son of Ramchandra Yadav
Resident of Village - Kahra Ward No. 6, P.S. and District- Saharsa

... .. Petitioner

Versus

The State of Bihar

... Opposite Party

Appearance :

For the Petitioner/s : Mr.Shiva Shankar Sharma, Advocate

For the Opposite Party/s : Mr.Ajay Kumar, Addl Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 12-12-2019

Heard learned counsel for the parties.

Petitioner is an accused in a case registered for the offence punishable under section 414 and other allied sections of the Indian Penal Code and under the Arms Act.

Police raided a place on the apprehension that miscreants were preparing for committing crime. Petitioner and others were arrested on the spot with one live cartridge and one empty cartridge in the possession of the petitioner.

Learned counsel for the petitioner submit that on the false allegation the petitioner is in custody since 6.6.2019. Charge sheet has also been filed in the case, as such, there is no chance of tampering with the evidence. Mandatory provisions of section 100 Cr.P.C. has not been followed for search and seizure.

In view of the facts and circumstances of the case, prayer for bail of the petitioner is allowed. Let the petitioner, mentioned above, be released 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 Chief Judicial Magistrate, Saharsa in Saharsa Sadar Police Station Case No. 511 of 2019, on the



following conditions:-

(1) 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.

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

(Prabhat Kumar Singh, J)

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