

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12069 of 2020

Arising Out of PS. Case No.-324 Year-2019 Thana- JHAJHA District- Jamui

O.P. YADAV @ UPENDRA YADAV Son of Gokhul Resident of Village -
Helajot, P.S.- Jhajha, Dist.- Jamui.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Rajesh Kumar Sinha, Advocate
for the informant	:	Mr. Yogesh Chandra Verma, Sr. Advocate
For the Opposite Party/s:		Mr.Ajit Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

4 11-11-2020 Heard learned counsel for the petitioner and learned
counsel for the State.

Petitioner seeks regular bail in a case registered for the
offence punishable under Sections 385/384/506/504 of the
Indian Penal Code and Sections 25(1-b)a/26 of the Arms Act.

Informant who is driver of M.L.A., has alleged that on
5.1.2019, when some work of M.L.A. was going on at bus-stand
Helajot by JCB machine, petitioner came and demanded
extortion and stopped the work upon which he and other two
persons reached there, then the petitioner abused and pointed
katta upon them, upon which they caught hold of him and
recovered one country made pistol and one live cartridge from
his possession and thereafter petitioner has been taken to police



station where seizure list was prepared.

It has been submitted that petitioner is innocent and has falsely been implicated in this case due to political rivalry with local M.L.A. It is further submitted that nothing was recovered from the possession of the petitioner rather the informant who is driver of the local MLA himself took pistol and live cartridge and informed the police showing alleged recovery to be made from the possession of the petitioner. Nothing was recovered by the police from possession of the petitioner.

Learned Sr. counsel for the informant has vehemently opposed the prayer for bail of the petitioner on the ground that he is a history sheeter and terror of the area, as such, he should not be enlarged on bail.

Considering the nature of allegation and petitioner being in custody since 06.11.2019, let the petitioner named above be released on bail on furnishing bail bond of Rs. 20,000/- with two sureties of the like amount in connection with **Jhajha P.S. Case No.324/2019** to the satisfaction of learned court below where the case is pending, subject to the following conditions:-

(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 present on each and every date fixed by the court and his absence on two consecutive dates without proper and reasonable reason will be sufficient to cancel his bail bond.

(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)

Sanjay/-

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